



BULKY DOCUMENTS

(Exceeds 100 pages)

Proceeding/Serial No: **92050789**

Filed: 12/15/2010

Title: **DEPOSITION OF JEAN TERIO NEUMANN**

Part **1** of **1**

92050789

HOWARD
RICE
NEMEROVSKI
CANADY
FALK
& RABKIN

A Professional Corporation

December 15, 2010

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VIA EXPRESS MAIL

Commissioner for Trademarks
Trademark Trial and Appeal Board
United States Patent and Trademark Office
P.O. Box 1451
Alexandria, Virginia 22313-1451

Re: *Nartron Corporation v. Hewlett-Packard Development Company, L.P.*
Cancellation No. 92050789
REDACTED Testimony Deposition Transcript and Exhibits

Dear Sir or Madam:

Pursuant to 37 C.F.R. §§2.125(c) and (e) and §2.126(c), Respondent Hewlett-Packard Development Company, L.P. has enclosed for filing with the Trademark Trial and Appeal Board of the U.S. Patent and Trademark Office the non-confidential **redacted** testimony deposition transcript and exhibits of Jean Neumann. Pursuant to 37 C.F.R. §2.125(e) and 37 C.F.R. §2.126(c), we are submitting under a separate cover the confidential unredacted transcript, which contains testimony designated as Confidential under the Protective Order entered in this case.

We have served a copy of both the redacted and unredacted testimony deposition transcripts and exhibits on the Petitioner, Nartron Corporation.

Thank you for your attention to this matter.

Sincerely,



Diana DiGennaro
Counsel for Respondent

Enclosures

cc: Hope V. Shovein, Esq.

CERTIFICATE OF MAILING

I hereby certify that on the date shown below, I caused this **LETTER TO THE TRADEMARK TRIAL AND APPEAL BOARD** to be deposited with United States Postal Service Express Mail in a pre-paid envelope addressed to:

Commissioner for Trademarks
Trademark Trial and Appeal Board
United States Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451

Dated: December 15, 2010



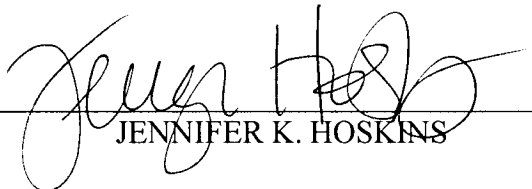
DIANA D. DIGENNARO

CERTIFICATE OF SERVICE

I hereby certify that on the date shown below, I caused this **LETTER TO THE TRADEMARK TRIAL AND APPEAL BOARD** to be deposited with Federal Express in a pre-paid envelope addressed to:

Hope V. Shovein, Esq. (counsel for Petitioner Nartron Corporation)
Brooks Kushman PC
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238

Dated: December 15, 2010


JENNIFER K. HOSKINS

1 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
2 BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

3
4 NARTRON CORPORATION,)

**CERTIFIED
TRANSCRIPT**

5 Petitioner,)

-vs-)

6) Cancellation No.

HEWLETT-PACKARD DEVELOPMENT)

92050789

7 COMPANY, L.P.,)

8 Respondent.)

9
10
11 DEPOSITION OF JEAN TERIO NEUMANN,
12 taken at HOWARD RICE NEMEROVSKI CANADY FALK &
13 RABKIN, Three Embarcadero Center, 7th Floor,
14 San Francisco, California, commencing at 11:00
15 a.m., Tuesday, November 16, 2010 before, WENDY
16 E. ARLEN, CSR No. 4355, RMR, CRR
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20 **REDACTED**
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23
24

25 Pages 1 - 78

Page 1

1 APPEARANCES OF COUNSEL:

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25

1 --oOo--

2 JEAN TERIO NEUMANN,

3 the witness, having been administered an oath in
4 accordance with CCP Section 2094, testified as follows:

5 --oOo--

6 MS. DiGENNARO: I'm Diana DiGennaro and this is
7 Sarah Givens.

8 MR. TUTTLE: If we're doing appearances, here
9 from Southfield, Michigan on behalf Nartron, the
10 petitioner, I'm Robert Tuttle, and I'm joined my
11 co-counsel, Hope Shovein. Back to you.

12 EXAMINATION BY MS. DiGENNARO

13 Q. Good morning.

14 A. Good morning.

15 Q. Would you state your name for the record,
16 please?

17 A. Jean Terio Neumann.

18 Q. Would you briefly describe your education after
19 high school?

20 A. I went to the University of Evansville in
21 Indiana, followed by University of Texas at Austin where
22 I did some graduate work in design, followed by the
23 University of Houston, Victoria, where I received my
24 MBA.

25 Q. Who is your current employer?

Page 3

1 A. Hewlett-Packard.

2 Q. And could you just briefly describe any other
3 work experience you have prior to joining
4 Hewlett-Packard?

5 A. A variety of marketing and graphic design
6 positions.

7 Q. And when did you join HP?

8 A. 2000 when it was actually Compaq at the time.

9 Q. Did HP acquire Compaq?

10 A. Yes.

11 Q. And when was that?

12 A. 2001.

13 Q. What was your position when you first started
14 at Compaq in 2000?

15 A. I was a production administrator. I was
16 responsible for packaging in-the-box documentation.

17 Q. And what were your duties and responsibilities
18 in that position?

19 A. Working on the documentation that would
20 accompany servers and other products that we were
21 selling at the time, giving instructions to the user how
22 to use the product.

23 Q. And what is your current position?

24 A. I am the creative operations manager for the
25 personal systems group.

1 Q. What is the personal systems group?
2 A. It is the global business unit of HP.
3 Basically anything that's not a server or a printer,
4 whether it's a PC, a calculator, notebook, a variety of
5 different products are encompassed.
6 Q. Does the personal systems group encompass both
7 consumer and commercial products?
8 A. Yes. Yes.
9 Q. And is your position limited to a particular
10 region or is it more wide?
11 A. I have a worldwide position. We create
12 deliverables that are then utilized around the world.
13 Q. Can you describe a little bit about your duties
14 and responsibilities in that position?
15 A. Currently I am working on naming for our
16 products, including TouchSmart PC, packaging for these
17 products as well as different types of deliverables such
18 as demos, videos and other support marketing materials.
19 Q. Do you have any involvement when HP employees
20 submit a name for a new product?
21 A. Yes, I approve it from a branding perspective.
22 Q. And do you also review marketing materials?
23 A. I do.
24 Q. And what sort of review do you do?
25 A. I make sure that anything that we have complies

1 with the worldwide guidelines that we put out for each
2 new type of product line.

3 Q. Does this include -- does that work include
4 marketing materials for the HP TouchSmart products?

5 A. It does.

6 Q. Can you describe in a little bit more detail
7 what work you've done with respect to the TouchSmart
8 products?

9 A. For the TouchSmart product, with the original
10 launch for the product, I worked on the name itself, the
11 packaging for the product and different marketing
12 materials that were available inside the package for the
13 customer. Most recently on our latest TouchSmart launch
14 I worked on a demo.

15 Q. Are you familiar with the HP TouchSmart
16 products and how they are marketed and sold?

17 A. I am.

18 MS. DiGENNARO: Would you please mark this
19 document which is the trademark registration for the
20 TouchSmart mark as Exhibit 1.

21 (Deposition Exhibit 1 marked for
22 identification.)

23 Q. MS. DiGENNARO: And we've just handed the
24 witness Exhibit 1 and I'll give you a few minutes to
25 look that over. Have you had a chance to look it over?

1 A. Yes.

2 Q. Have you seen Exhibit 1 before?

3 A. Yes.

4 Q. What is Exhibit 1?

5 A. It is our trademark principal registration for
6 the TouchSmart name.

7 Q. Are you familiar with the TouchSmart mark?

8 A. I am.

9 Q. And you mentioned before that you had worked on
10 developing the name; is that correct?

11 A. Originally, yes.

12 Q. And during the process of developing the
13 TouchSmart mark, do you recall ever being aware of
14 Nartron's SmartTouch mark?

15 A. No.

16 Q. Do you know when HP first used the TouchSmart
17 mark in commerce?

18 A. January in 2007 we launched at CES.

19 Q. And how was the TouchSmart mark first used?

20 A. HP TouchSmart PC. There was an IQ series, a
21 product line, model number.

22 MS. DiGENNARO: Would you please mark this
23 document which is Bates stamped HP 168 through HP 171 as
24 Exhibit 2, please.

25

1 (Deposition Exhibit 2 marked for
2 identification.)

3 Q. MS. DiGENNARO: And before we turn to
4 Exhibit 2, I wanted to ask you again with the first use
5 of the TouchSmart mark, you said that it was used on an
6 HP TouchSmart PC. Was that a consumer desktop PC?

7 A. Yes, it is an all-in-one personal computer.

8 Q. Okay. Could you please take a look at
9 Exhibit 2, please?

10 A. Yes.

11 Q. Have you had a chance to look over Exhibit 2?

12 A. Yes.

13 Q. Are you familiar with Exhibit 2?

14 A. I am.

15 Q. And what is Exhibit 2?

16 A. It is the press release for the launch of not
17 only the new HP TouchSmart PC, but some other products
18 that we were announcing at CES in January 2007.

19 Q. Are the contents of Exhibit 2 accurate?

20 A. Yes.

21 Q. Is the TouchSmart mark ever used by HP without
22 the house mark HP preceding it?

23 A. That would be against our brand guidelines.

24 Q. Does HP -- so is your answer, no --

25 A. No.

1 Q. -- it is not used without?

2 A. It is not used without HP. Sorry.

3 Q. Great. Just wanted to clarify that.

4 A. Thank you.

5 Q. Does HP use other trademarks that end in Smart?

6 A. Yes, we have the PhotoSmart and MediaSmart

7 which are currently sold in consumer products.

8 Q. And were the other HP marks that end in Smart a

9 factor in choosing the name TouchSmart?

10 A. They were. We wanted to continue that line of

11 family of products to build on the reputation that we

12 had gained from those different product lines.

13 Q. Great. And you mentioned the PhotoSmart and

14 MediaSmart marks. Do you know whether HP currently uses

15 each of the marks -- each of those marks?

16 A. Yes.

17 Q. Are you familiar with the products sold under

18 the PhotoSmart and MediaSmart marks?

19 A. Yes.

20 Q. And what are those products?

21 A. The PhotoSmart is used mostly on our printers,

22 those printers that have photo capabilities

23 specifically. MediaSmart is used for our MediaSmart

24 servers as well as software that can be found on the

25 servers.

1 Q. Is HP currently selling PhotoSmart printers and
2 MediaSmart software and servers?

3 A. Yes.

4 MS. DiGENNARO: Would you please mark the
5 document we just handed you which is Bates stamped HP
6 109 as Exhibit 3.

7 (Deposition Exhibit 3 marked for
8 identification.)

9 Q. MS. DiGENNARO: And we've just handed the
10 witness what's been marked as Exhibit 3 and I'll give
11 you a few minutes to look that over. Are you familiar
12 with Exhibit 3?

13 A. Yes.

14 Q. And what is it?

15 A. It is a snapshot of our micro site for the HP
16 MediaSmart Server.

17 Q. And what is a micro site?

18 A. It's an online site dedicated to a specific
19 line of products. So for this particular micro site
20 it's all about the MediaSmart server and allows the
21 customer to get into details about that specific product
22 and what the purpose would be for them, how that product
23 would most suit them.

24 Q. And what is the product shown in Exhibit 3?

25 A. The HP MediaSmart Server.

1 Q. I want you to take a look again at Exhibit 1 if
2 you still have it there in front of you.

3 A. Uh-huh.

4 Q. What are the goods identified in Exhibit 1?

5 A. Personal computers, computer hardware, computer
6 monitors, computer display screens.

7 Q. Are any of the goods listed there in Exhibit 1
8 marketed or sold separately from HP TouchSmart PC's?

9 A. Not under the PC name.

10 MR. TUTTLE: Objection to form. Objection,
11 it's leading. Go ahead.

12 Q. MS. DiGENNARO: And are all of the products
13 listed there in Exhibit 1 sold together as a single unit
14 under the TouchSmart mark?

15 A. Yes.

16 MR. TUTTLE: Objection, leading.

17 Q. MS. DiGENNARO: Are any of the goods listed in
18 Exhibit 1 sold as component parts for use in
19 manufacturing other products?

20 A. No.

21 Q. Are any of the goods listed in Exhibit 1 -- I'm
22 sorry. Let me start over. Strike that.

23 Are the goods listed in Exhibit 1 always sold
24 together as a single unit under the TouchSmart mark?

25 A. Yes.

1 MR. TUTTLE: Objection, leading. Did the court
2 reporter capture those objections?

3 THE REPORTER: Yes.

4 MR. TUTTLE: Thank you.

5 MS. DiGENNARO: Could you please mark the
6 document I just handed you which is Bates stamped HP 147
7 to HP 148 as Exhibit 4, please?

8 (Deposition Exhibit 4 marked for
9 identification.)

10 Q. MS. DiGENNARO: We've just handed the witness
11 Exhibit 4. I'll give you a minute to take a look at
12 that. Are you familiar with Exhibit 4?

13 A. Yes.

14 Q. And what is Exhibit 4?

15 A. It is HP TouchSmart IQ770 PC datasheet.

16 Q. How is Exhibit 4 used?

17 A. This is a datasheet that we provide to our
18 channel partners to help them understand the specs of
19 the product. It can also be found online at
20 hpshopping.com to help customers understand more about
21 the product and how it can be used for them.

22 Q. And when you say channel partners, who are you
23 referring to?

24 A. The retailers that sell this product to
25 consumers on our behalf, Best Buy, Office Depot.

1 Q. Let's go back to Exhibit 4, which is the HP
2 TouchSmart IQ770 PC.

3 A. This was the original formfactor for our
4 TouchSmart PC.

5 Q. And is this a product an all-in-one PC?

6 A. It is.

7 Q. And are you familiar with the HP TouchSmart
8 IQ770 PC?

9 A. Yes.

10 Q. Did you do any work in connection with this PC?

11 A. Yes, I worked on the name for this product as
12 well as different marketing materials that would be
13 found inside the package and the package design itself.

14 Q. Do you know when HP released the IQ770?

15 A. That was January of 2007.

16 Q. And what was the concept behind the IQ770?

17 A. It's an all-in-one PC that's meant to be used
18 in a communal area within the house, whether it be a
19 kitchen or an entryway, somewhere that the entire family
20 could access calendars, perhaps in the kitchen where you
21 could access recipes in some software that we feature
22 particular to recipe management.

23 MS. DiGENNARO: And would you please mark the
24 document that is Bates stamped HP 144 through 146 as
25 Exhibit 5, please?

1 (Deposition Exhibit 5 marked for
2 identification.)

3 Q. MS. DiGENNARO: And I'll give you a moment to
4 look over Exhibit 5. Are you familiar with Exhibit 5?

5 A. Yes.

6 Q. And what is it?

7 A. It is the -- a snapshot of the Web site for the
8 HP TouchSmart tm2t series.

9 Q. Is that a micro site or is this the main HP Web
10 site?

11 A. This is the main HP Web site, hpshopper.

12 Q. And what is the product shown in Exhibit 25?

13 A. It's a TouchSmart tm2t notebook PC.

14 Q. And for the notebook PC, are the keyboard and
15 the mouse incorporated into the PC?

16 A. It doesn't have a mouse specifically but a
17 touchpad that acts as a mouse and a keyboard, yes.

18 Q. Does Exhibit 5 show the starting price for the
19 HP TouchSmart tm2 series?

20 A. Yes.

21 Q. What is the starting price?

22 A. \$849.99.

23 Q. And is that amount, 849.99, the current
24 starting price for HP TouchSmart notebook PC's?

25 A. I believe so.

1 Q. What do you mean by starting price?

2 A. On our Web site you can configure the PC to
3 order. So you can increase memory, graphic cards and
4 other details about the computer itself to have a
5 specifically configured PC. This is the base price, and
6 you can add to it from here.

7 Q. I'm going to ask you a few questions now about
8 marketing.

9 A. Okay.

10 Q. Have you worked on marketing materials for HP
11 TouchSmart consumer products?

12 A. I have.

13 Q. And can you describe a little bit about the
14 work you've done?

15 A. In the original TouchSmart launch, I worked on
16 the name itself, the product packaging and some inbox
17 material. For those recent launch announcements, we
18 worked on updating the name so that the product number
19 was incorporated into the name, as well as working on
20 demos and different types of marketing materials that
21 would support the product.

22 Q. And does your group also work on guide books
23 for HP creatives to use?

24 A. We do.

25 Q. And how are those guide books used?

1 A.

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3 **REDACTED**
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7 Q. What is the marketing strategy for HP
8 TouchSmart consumer PC's?

9 A.

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11 **REDACTED**
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15 Q. And has this marketing strategy changed?

16 A. No.

17 MS. DiGENNARO: Would you please mark this
18 document which is Bates stamped HP 172 through HP 305 as
19 Exhibit 6.

20 (Deposition Exhibit 6 marked for
21 identification.)

22 Q. MS. DiGENNARO: I'll give you a minute to take
23 a look at Exhibit 6. It's a long one. Have you had a
24 chance to skim through --

25 A. Yeah.

1 Q. -- Exhibit 6?

2 A. Yeah, thank you.

3 Q. Are you familiar with Exhibit 6?

4 A. Yes.

5 Q. And what is Exhibit 6?

6 A. It is the marketing packet for our HP
7 TouchSmart 600, 300 and Pavilion AiO MS200 PC.

8 Q. And what was the purpose or use of this
9 marketing packet?

10 A.

11 **REDACTED**

12
13
14 Q. And who was Exhibit 6 distributed to?

15 A. Marketing personnel in the company.

16 Q. Did you personally view or receive a copy of
17 Exhibit 6?

18 A. I did.

19 Q. Did you view a copy of Exhibit 6?

20 A. Yes.

21 Q. And was -- can you describe the circumstances
22 under which you viewed Exhibit 6?

23 A.

24 **REDACTED**

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Q. And when you say demos, are you referring to the HP TouchSmart product videos and demos?

A. Yes.

Q. Do you know when Exhibit 6 was created?

A. I believe that this was developed in 2009, early 2009.

Q. And is that estimate based on when the products were released?

A. It's based on the product launch dates.

Q. I'd like you to turn to page HP 184 of Exhibit 6. And you'll see there that it says

REDACTED

A.

REDACTED

MR. TUTTLE: Excuse me. I want to interject if

Page 18

1 I could a second. I'd like to move to strike all of
2 this testimony relating the marketing strategy. The
3 motion to strike is based on Interrogatory No. 3 which
4 asks Hewlett-Packard to identify the marketing plans for
5 TouchSmart goods of registration 3600880. Consistently
6 that was met with objections.

7 So this is not relevant to this action and not
8 reasonably calculated to lead to the discovery of
9 admissible evidence. And if you do not identify this
10 information in the interrogatory answers, you cannot get
11 it in in your testimony; and on that basis we move to
12 strike. You may continue.

13 MS. DiGENNARO: This document was produced in
14 discovery in response to your request for production of
15 documents.

16 MR. TUTTLE: It was produced in discovery after
17 the board ordered you to produce it, but you did not
18 supplement the interrogatory answer or withdraw the
19 objection.

20 MS. DiGENNARO: The board didn't order us to
21 produce any documents. We produced that in response to
22 your request for production.

23 MR. TUTTLE: Okay. It is what it is. The
24 record is what it is. You can continue. Go ahead,
25 please.

1 Q. MS. DiGENNARO: Okay.

2

3

4 A.

REDACTED

5 Q.

6

7 A.

8 Q. I'd like you to turn to page 233, please.

9 What's written at the top of page 233?

10 A.

11 Q.

12 A.

13

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19 Q.

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21 A.

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24 Q. And where do you come into the process?

25 A.

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Q.

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A.

Q.

A.

MS. DiGENNARO: Would you please mark the document we just handed you which is Bates stamped HP 306 through HP 336 as Exhibit 7.

(Deposition Exhibit 7 marked for identification.)

MR. TUTTLE: Are you done with Exhibit 6?

MS. DiGENNARO: Yes. We're just taking a short break while the witness gets some coffee.

MR. TUTTLE: Caffeine is allowed.

THE WITNESS: Thank you.

Q. MS. DiGENNARO: And we've handed you the document that's been marked as Exhibit 7. I'll give you a minute to skim through that, look it over.

A. Okay.

Q. Did you have a chance to look over Exhibit 7?

A. Yeah.

1 Q. Are you familiar with Exhibit 7?

2 A. Yes.

3 Q. What is Exhibit 7?

4 A. It is the HP TouchSmart PC **REDACTED**
5 Marketing Deck.

6 Q. Do you know who created the Exhibit 7?

7 A. The worldwide product manager.

8 Q. And what is the purpose or function of
9 Exhibit 7?

10 A.

11

12

REDACTED

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17 Q. And Exhibit 7 is focused on which -- or is
18 Exhibit 7 focused on any particular HP TouchSmart PC's?

19 A. Yes, it is **REDACTED**

20 the HP TouchSmart HDX IQ800 PC and
21 HP TouchSmart IQ500 PC.

22 Q.

REDACTED

23

24 A.

25 Q. Do you know when Exhibit 7 was created?

1 A. Based on the delivery again, announcement dates
2 for these products, early 2008.

3 Q. And did you personally view or receive a copy
4 of Exhibit 7?

5 A. I believe I did.

6 Q. And what makes you think that you received a
7 copy of Exhibit 7?

8 A. Because I worked on some materials for this
9 product, including the packaging.

10 Q. And is this something you would have received
11 in order to do that work?

12 A. Yes.

13 Q. Let's take a look at HP 312. Can you just read
14 what's written at the top of HP 312?

15 A. **REDACTED**

16 Q. And how would you describe the statements that
17 follow on HP 312?

18 A.
19 **REDACTED**

20
21 Q. And what's the purpose of statements like this
22 on page HP 312?

23 A.
24 **REDACTED**

25 Q.

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Q.

A.

Q. Let's look at the next page, HP 313. And can
you just read for us what's written on HP 313?

A. The whole page?

Q. Yes, please.

A. (As read):

REDACTED

Q.

A.

Q.

1 A.

2 Q.

REDACTED

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5 A.

6 Q. Could you please turn to HP 317. Are you
7 familiar with the concept of communication pillars?

8 A. Yes.

9 Q. What are the communication pillars?

10 A. These are the basic foundation for our
11 messaging frameworks. It's what we want to be sure that
12 we highlight and communicate about the product.

13 Q. And what are the communication pillars for HP
14 TouchSmart consumer PC's identified here on page HP 317?

15 A.

16 Q.

REDACTED

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18 A.

19 Q. Let's look at page 336, HP 336. What is page
20 336 of Exhibit 7?

21 A. HP TouchSmart Series Messaging.

22 Q. What's shown on this page?

23 A. Again, this is basic message foundation, the
24 product series messaging and the taglines that would be
25 used with the product in different marketing

1 deliverables.

2 Q. And, again, why are there -- why is there more
3 than one tagline?

4 A. Depending on what the deliverable is and where
5 the target market is, depending on the region, different
6 taglines might be wanted to be used in order to address
7 particular scenarios.

8 Q. Are the messaging statements on HP 336 of
9 Exhibit 7 still accurate with respect to HP TouchSmart
10 consumer PC's?

11 A. Yes.

12 Q. Okay. You can set Exhibit 7 aside for now.
13 Are you familiar with advertising and promotion
14 of the HP TouchSmart products?

15 A. Yes.

16 Q. What media does HP use for HP TouchSmart
17 advertisements?

18 A. We use a variety of media. It can be anything
19 from a television spot, online advertising, print ads,
20 newspaper, magazines. We even do events to highlight
21 this product specifically as well as demos, videos, a
22 variety of deliverables.

23 Q. Do you use online banner ads?

24 A. Yes.

25 Q. Can you describe some examples of recent

1 marketing or ad campaigns for HP TouchSmart PC's?

2 A. So recently a campaign that we developed was
3 hands-on New York. We had actors that we hired in New
4 York run around the city with six-foot tall Styrofoam
5 hands to show the touch capability of this product, and
6 they would run through the streets and end up with a
7 large computer and show the touch capability of this
8 product to the residents of New York City. This
9 generated some great buzz for the product for us.

10 Q. Did that event also include anything in retail
11 stores?

12 A. Yes, it was conducted along with the retailers
13 in New York City that sell the product and help them to
14 increase their sales for the day. They all had
15 different displays specific to this event in their
16 stores at the time.

17 Q. And can you describe some recent television
18 ads?

19 A. Recently we've had an advertisement with
20 Fergie, who is from the Black-Eyed Peas music group.

21 MS. DiGENNARO: Would you please mark the
22 document Bates stamped HP 30 as Exhibit 8 ask.

23 (Deposition Exhibit 8 marked for
24 identification.)

25 Q. MS. DiGENNARO: I'll give you a minute to look

1 over Exhibit 8. Are you familiar with Exhibit 8?

2 A. I am.

3 Q. And what is it?

4 A. It is a print advertisement for our HP
5 TouchSmart PC products.

6 Q. And do you know where this ad would be used or
7 located?

8 A. Typically ads such as this would be in
9 different types of magazines. It states here that it's
10 used in the Daily News.

11 Q. Do you know whether this ad might be used as a
12 cover wrap for a newspaper?

13 A. Yes.

14 Q. What products are pictured in Exhibit 8?

15 A. The HP TouchSmart PC and the HP TouchSmart
16 Notebook PC.

17 MS. DiGENNARO: Would you please mark the
18 document Bates stamped HP 31 as Exhibit 9.

19 (Deposition Exhibit 9 marked for
20 identification.)

21 Q. MS. DiGENNARO: I'll give you a minute to take
22 a look at Exhibit 9. Are you familiar with Exhibit 9?

23 A. I am.

24 Q. What is it?

25 A. It is a magazine advertisement for the HP

1 TouchSmart PC.

2 Q. What product is pictured in Exhibit 9?

3 A. The HP TouchSmart PC.

4 Q. Is Exhibit 9 typical of other advertisements
5 for HP TouchSmart products?

6 A. Yes.

7 MR. TUTTLE: Objection. If you're going to put
8 in other advertisements, you really need to produce
9 those as exhibits, not have her tell us that they're
10 typical and not produce them.

11 MS. DiGENNARO: Would you please mark the
12 document Bates stamped HP 32 as Exhibit 10?

13 (Deposition Exhibit 10 marked for
14 identification.)

15 Q. MS. DiGENNARO: I'll give you a minute to take
16 a look at Exhibit 10. Are you familiar with Exhibit 10?

17 A. Yes.

18 Q. What is it?

19 A. This is another advertisement for the HP
20 TouchSmart PC.

21 Q. What product is pictured in Exhibit 10?

22 A. The HP TouchSmart 600.

23 Q. What is the key message in Exhibit 10?

24 A. "Touch your recipes."

25 Q. What does the line "touch your recipes" refer

1 to?

2 A. The software recipe box, HP recipe box that is
3 contained within the HP TouchSmart PC.

4 Q. And just briefly, how does a recipe software
5 work?

6 A. It is designed so that rather than having a
7 recipe box physically that you use to keep your notes
8 and all your handwritten recipes on so you can have it
9 all digitally at your fingertips.

10 Q. Is Exhibit 10 typical of other advertisements
11 for HP TouchSmart products?

12 A. Yes.

13 MR. TUTTLE: Objection to form.

14 Q. MS. DiGENNARO: And where would you typically
15 see an advertisement like Exhibit 10?

16 A. It could be used in a variety of places.
17 Magazine ad, online.

18 Q. Would you see this in a flyer for retail stores
19 like Best Buy?

20 A. Absolutely.

21 MS. DiGENNARO: And would you please mark the
22 document Bates stamped HP 33 as Exhibit 11.

23 (Deposition Exhibit 11 marked for
24 identification.)

25 Q. MS. DiGENNARO: Did you get a chance to take a

1 look at Exhibit 11?

2 A. Yes.

3 Q. Are you familiar with Exhibit 11?

4 A. Yes.

5 Q. What is it?

6 A. This is a HP TouchSmart Flash Banner.

7 Q. Where would you see a flash banner at?

8 A. Online. It would be typically placed on a site
9 that our target customers would view and then this would
10 pop up so you could actively view it online.

11 Q. What product is pictured or what products are
12 pictured in Exhibit 11?

13 A. The HP TouchSmart 600 PC.

14 Q. Is Exhibit 11 typical of other Internet
15 advertisements for HP TouchSmart products?

16 A. Yes.

17 MR. TUTTLE: Objection to form.

18 MS. DiGENNARO: And would you please mark the
19 document Bates stamped HP 35 through HP 51 Exhibit 12.

20 (Deposition Exhibit 12 marked for
21 identification.)

22 Q. MS. DiGENNARO: I'll give you a minute to take
23 a look at Exhibit 12.

24 A. Okay.

25 Q. Are you familiar with Exhibit 12?

1 A. I am.

2 Q. What is it?

3 A. It is our holiday fiscal year 2009 custom-ops.

4 Q. What are the custom-ops?

5 A. These are different advertisements that we
6 would place on specific sites, Web sites.

7 Q. How do you choose these specific Web sites?

8 A.

9

10 Q.

11 **REDACTED**

12 A.

13 Q.

14

15 A.

16 MR. TUTTLE: Objection to form. She can't know
17 the mind of their customers collectively universally.
18 Objection.

19 Q. MS. DiGENNARO:

20

REDACTED

21

22 A. Yes, our target market --

23 MR. TUTTLE: Objection, she has no foundation.
24 She doesn't interface with customers.

25 MS. DiGENNARO: We're referring to the targeted

1 customers for the TouchSmart product. She does have
2 personal knowledge of who the targeted customers are.

3 MR. TUTTLE: You say that, but you have not
4 laid a foundation to that effect.

5 Q. MS. DiGENNARO: You can answer.

6 A.

7
8
9 **REDACTED**

10
11 Q.

12
13
14 A.

15 MR. TUTTLE: Same objection. She doesn't know
16 the mind of shoppers. Same objection.

17 MS. DiGENNARO: The targeted customer is
18 someone HP wants to buy their products and this witness
19 is involved in marketing TouchSmart products. She is
20 aware of who the targeted customer is.

21 MR. TUTTLE: She doesn't know what goes on
22 inside the mind of a customer on a
23 transaction-by-transaction basis, which is the thrust of
24 your question.

25 MS. DiGENNARO: That's not what I'm asking.

1 I'm asking about the targeted customer.

2 MR. TUTTLE: Why don't you continue. I've made
3 my objection.

4 MS. DiGENNARO: Could you read back the last
5 question, please.

6 (Record read: Q.

7 **REDACTED**

8)

9 Q. MS. DiGENNARO: You can answer.

10 A. **REDACTED**

11 Q. And are the --

12 MR. TUTTLE: Same objection.

13 Q. MS. DiGENNARO: Are the Web sites included in
14 Exhibit 12 typical of the types of Web sites where HP
15 places ads for TouchSmart products?

16 A. Yes.

17 MR. TUTTLE: Same objection. If you're going
18 to put in other Web sites, mark them as exhibits, not
19 inferentially by using typical.

20 Q. MS. DiGENNARO: Are you generally familiar with
21 the Web sites in Exhibit 12?

22 A. Yes.

23 Q. Have you ever seen Nartron's SmartTouch
24 products advertised on the exhibits -- excuse me -- the
25 Web sites in Exhibit 12?

1 A. No.

2 Q. I'm going to ask you a little bit now about the

3 sales process, and you can set Exhibit 12 aside for now.

4 Do you know how HP TouchSmart consumer PC's are

5 sold?

6 A. Yes.

7 Q. Where or how are HP TouchSmart consumer PC's

8 sold?

9 A. They are sold by our retail partners in brick

10 and mortar stores as well as online.

11 Q. What are some examples of the retailers that

12 sell HP TouchSmart products?

13 A. Best Buy, J&R, Office Depot, other similar

14 types of stores.

15 Q. Are HP TouchSmart products sold at Office Max?

16 A. Yes.

17 Q. Are they sold at Staples?

18 A. Yes.

19 Q. In the retail locations where the TouchSmart

20 products are sold, are they typically displayed in a

21 manner where a customer can walk up and see the

22 products?

23 A. Yes.

24 Q. And how would that work when they're sold

25 online?

1 A. Online we have different product demos and
2 things so that the consumer get a 360-degree view of the
3 product, though they can't physically touch it.

4 MS. DiGENNARO: And could you please mark the
5 document Bates stamped HP 34 as Exhibit 13?

6 (Deposition Exhibit 13 marked for
7 identification.)

8 Q. MS. DiGENNARO: Have you had a chance to take a
9 look at Exhibit 13?

10 A. Yes.

11 Q. Are you familiar with Exhibit 13?

12 A. Yes.

13 Q. What is it?

14 A. This is a micro site for the HP TouchSmart PC
15 specific to an event in Manhattan.

16 Q. And do you see retail location listed there in
17 the middle of page HP 34?

18 A. Yes.

19 Q. What are those retail location?

20 A. Best Buy, J&R, Office Depo and P.C. Richard &
21 Son.

22 Q. And are these all places where a consumer can
23 purchase a HP TouchSmart PC?

24 A. Correct.

25 Q. Would a consumer be able to purchase both at

1 the brick and mortar store and online?

2 A. Yes.

3 Q. And you can set Exhibit 13 aside for now.

4 Does HP also sell HP TouchSmart products to
5 large businesses?

6 A. Yes.

7 Q. Does HP have a special term for those types of
8 customers?

9 A. Enterprise.

10 Q. What does the term enterprise mean in this
11 context?

12 A. It means any business that has a hundred
13 employees or more.

14 Q. And do these enterprise customers have any sort
15 of special needs?

16 A. The enterprise customer has IT managers that
17 would help to ensure that all their computers can
18 coordinate and function together.

19 MR. TUTTLE: Objection. I'm going to move to
20 strike. There's no foundation she knows what goes on
21 inside of every enterprise customer. There's no
22 indication she's ever set foot inside of an enterprise
23 customer facility.

24 Q. MS. DiGENNARO: What products and services does
25 HP offer to enterprise customers?

1 A. We offer full computing solutions, anything
2 from the PC itself to the printers, servers and even
3 help desk support.

4 Q. And would complete computing solution also
5 include -- could it also include HP TouchSmart PC's?

6 A. It could.

7 Q. What HP TouchSmart products are marketed
8 specifically to enterprise customers?

9 A. The HP 9000 series, TouchSmart 9000.

10 Q. What are some examples of enterprise customers
11 that would use HP TouchSmart?

12 A. Marriott, for example, is one of our large
13 enterprise corporations that utilizes it. Different
14 types of hospitality and restaurant industry.

15 Q. How might a restaurant use a HP TouchSmart PC?

16 A. It could be utilized by the wait staff typing
17 in the orders that the customers are making.

18 Q. And how might the Marriott hotel use or other
19 hotel chains TouchSmart PC's?

20 A. It can be used by anyone in their customer
21 service department or as a kiosk for the guests in the
22 hotel or behind the scenes.

23 Q. Are any HP TouchSmart products specifically
24 marketed to any element of the automotive industry?

25 A. Not specifically to the automotive industry.

1 Q. Has HP ever marketed or sold HP TouchSmart
2 products for use as part of a car?

3 A. No.

4 Q. Does HP --

5 MR. TUTTLE: I'm going to object that she knows
6 that. She's not established that she has that
7 knowledge.

8 Q. MS. DiGENNARO: Do you know whether HP has ever
9 marketed or sold HP TouchSmart for use as part of a car?

10 A. They have not.

11 Q. Do you know that?

12 A. I know that.

13 Q. And how do you know that?

14 A. The -- the function of the PC is not something
15 that is meant to be incorporated as a component part to
16 another product. It is a stand-alone product that is HP
17 branded.

18 Q. And are you familiar with the HP TouchSmart
19 products and how they are sold and their intended use?

20 A. Correct. Yes.

21 Q. Do you know whether HP sells HP TouchSmart
22 products to the automotive industry as component parts?

23 A. We do not.

24 Q. And is the basis for your knowledge the same as
25 what you just stated?

1 A. Yes.

2 Q. Are you familiar with the sales process for
3 enterprise customers?

4 A. Yes.

5 Q. What is the sales process for HP enterprise
6 customers?

7 A. We have a dedicated sales team for our
8 enterprise customers that go and meet with the customers
9 in order to understand what their needs and requirements
10 are and ensure that the solution that we provide for
11 them meets their needs..

12 Q. Is there a specific sales manager who is
13 assigned or dedicated to each customer?

14 A. Our large customers do have dedicated teams.

15 Q. Does the process involve in-person meetings?

16 A. Yes.

17 Q. Does the sales representative or team dedicated
18 to a particular customer usually have an established
19 relationship with that customer?

20 A. Yes.

21 MR. TUTTLE: I'm going to object. There's no
22 foundation that she's had any professional involvement
23 with this. She's just making hearsay observations on
24 other business units of HP which has not been
25 established she has any role or ever had any

1 participation or any basis for personal knowledge.

2 Q. MS. DiGENNARO: What is the basis of your
3 knowledge about the sales process with enterprise
4 customers?

5 A. We have -- HP is such a large corporation, we
6 work together with those sales teams in order to provide
7 them with materials that they need as they're marketing
8 the products on to their customers.

9 Q. Does the sales process with enterprise
10 customers involve negotiated contracts?

11 A. Yes.

12 Q. And why are negotiated contracts necessary?

13 A.

14
15
16 **REDACTED**
17
18

19 Q. Are you familiar with the general term of the
20 contracts, if there's a varying length of the contracts?

21 A. The contracts can be quite variable.

22 MR. TUTTLE: I'm going to object. If you're
23 going to ask about the contracts, you have to produce
24 them. If you're going to ask her about the contracts
25 and their content, you have to produce them. The best

1 evidence of what the document contains is the document
2 it's Federal Rule of Evidence 1002. You have not
3 produced the contracts that you're asking about the
4 content of contracts, and I object you to asking her
5 about the content of contracts that are not marked as
6 exhibits.

7 MS. DiGENNARO: Okay. It's sufficient for you
8 to object.

9 Q. You can answer.

10 A. Can you repeat the question?

11 (Record read: Q. Are you familiar with the
12 general term of the contracts, if there's a varying
13 length of the contracts?)

14 THE WITNESS:

15
16 **REDACTED**
17
18
19

20 Q. MS. DiGENNARO: Would you characterize an
21 enterprise customer's decision to purchase HP TouchSmart
22 computers as hasty or impulsive?

23 A. No.

24 MR. TUTTLE: Objection. Objection to the
25 question. She cannot know the mind of every enterprise

1 customer on a transaction-by-transaction basis.

2 MS. GIVEN: You need to stop making speaking
3 objections.

4 MR. TUTTLE: She doesn't know what is in the
5 mind of somebody else. I move to strike that.

6 MS. DiGENNARO: We've established her
7 familiarity with the sales process, and that's what
8 these questions are in reference to.

9 MR. TUTTLE: Well, she's not a mind-reader,
10 although she now represents she is. So please continue.

11 Q. MS. DiGENNARO: Do you know who at the
12 enterprise customer company the HP sales team would
13 typically work with?

14 A. Typically you work with the CTO or the IT
15 manager.

16 Q. And in your experience, are the chief
17 technology officer and the IT manager at a large company
18 typically sophisticated when it comes to technology and
19 computers?

20 A. Yes.

21 MR. TUTTLE: Objection. Objection, no
22 foundation. There is no foundation that she knows the
23 degree of sophistication on a customer-by-customer
24 basis.

25 MS. GIVEN: You need to stop making speaking

1 objections. Just say objection, foundation. That's
2 enough.

3 MR. TUTTLE: No, I'm not going to stop. I'm
4 going to establish the basis for my objection.

5 Q. MS. DiGENNARO: Will the chief technology
6 officer and IT manager have done research on HP's
7 products and HP's competitors' products, in your
8 experience?

9 A. Yes.

10 MR. TUTTLE: Objection. Same objection, no
11 foundation.

12 Q. MS. DiGENNARO: With respect to HP TouchSmart
13 products, who are HP's key competitors?

14 A. Dell, Acer, Sony, any other large computer
15 corporation that might sell a touch capable all-in-one
16 PC.

17 Q. And what are the competing products?

18 A. Touch capable all-in-one PC's.

19 Q. Is Nartron a competitor of HP?

20 A. No.

21 Q. Prior to this lawsuit, were you aware of
22 Nartron SmartTouch mark?

23 A. No..

24 Q. Prior to this lawsuit, had you ever heard of
25 Nartron Corporation?

1 A. No.

2 Q. And prior to this lawsuit, had you ever heard
3 of electronic proximity sensors or switching devices?

4 A. No.

5 Q. Are you aware of any confusion between HP
6 TouchSmart mark and Nartron's SmartTouch mark?

7 A. No.

8 Q. Are you aware of any confusion between HP and
9 Nartron?

10 A. No.

11 MS. DiGENNARO: Okay. That's all we have for
12 now.

13 MR. TUTTLE: We're going to start. Before we
14 finish, we may take a break.

15 EXAMINATION BY MR. TUTTLE

16 Q. Ms. Neumann, since you joined Compaq and then
17 succeeded to Hewlett-Packard in 2001, how many sales
18 calls to the customer sites have you been on?

19 A. One.

20 Q. When?

21 A. 2007, I believe.

22 Q. Who was it?

23 A. Wal-Mart.

24 Q. Who was the customer?

25 A. Wal-Mart.

1 Q. Pardon me?

2 A. Wal-Mart.

3 Q. Did you go alone?

4 A. I went with the sales team.

5 Q. Do you consider yourself part of the sales team

6 on a day-to-day basis in your position as art director?

7 A. I consider myself a support person for the

8 sales team.

9 Q. Are you a member of the sales team?

10 A. I'm a member of the marketing team.

11 Q. Okay. Marketing is not sales. You are not a

12 member of the sales team, correct?

13 A. I am not a salesman.

14 Q. Have you ever used a touch capable computer?

15 A. Yes.

16 Q. What is the characteristic of the computer that

17 causes it to be referred to as a touch capable computer?

18 A. The fact that the screen responds to your hand

19 touching it.

20 Q. And you understand the principle of operation

21 of when your hand or finger touches the screen how that

22 effects some computer operation?

23 A. No.

24 Q. Do you know anything about whether there is an

25 electronic proximity sensor in Hewlett-Packard's

1 Touch -- excuse me -- TouchSmart computers?

2 A. No.

3 Q. Do you know if Hewlett-Packard uses switching
4 devices in its TouchSmart products?

5 A. I don't know.

6 Q. Did you make any investigation?

7 A. No.

8 Q. Ms. Neumann, you were asked about whether
9 you're aware of any confusion between Nartron's
10 SmartTouch and HP's TouchSmart. Do you recall that?

11 A. Yeah.

12 Q. Was that your personal opinion or did you do
13 any investigation underlying your answer?

14 A. That is my personal opinion.

15 Q. So there is no -- there is no research content
16 that lies behind your answer, correct?

17 A. Correct.

18 MS. DiGENNARO: I'm sorry. I'm going to object
19 that that mischaracterizes testimony of the witness.

20 Q. MR. TUTTLE: When did HP introduce the
21 PhotoSmart product line?

22 A. I don't know.

23 Q. When did HP introduce the MediaSmart product
24 line?

25 A. That was in the past decade. I'm not sure of

1 the exact date.

2 Q. Do you know if it was in the last few years?

3 A. It was in the last decade. That's -- I recall
4 working on that name.

5 Q. Okay. But you can't place it in time any more
6 than just saying in the last decade, correct?

7 A. Sometime since 2000.

8 Q. Do you recall -- do you recall testifying on
9 direct that the name TouchSmart was selected to build on
10 the existing reputation of PhotoSmart and MediaSmart?

11 A. Yes.

12 Q. But you don't know when MediaSmart or
13 TouchSmart were introduced, do you?

14 A. I know when TouchSmart was introduced in 2007,
15 MediaSmart was introduced prior to that.

16 Q. When?

17 A. Prior to that.

18 Q. Well, now, wait a second. I just asked you.
19 You couldn't place it -- assign a year to that, could
20 you?

21 MS. DiGENNARO: Objection, argumentative.

22 Q. MR. TUTTLE: You couldn't get any closer than a
23 decade, could you?

24 A. It was prior to TouchSmart.

25 Q. So when you testified that there was some

1 preexisting reputation for PhotoSmart that served as a
2 basis for introducing TouchSmart, that was not correct,
3 right, because you don't know?

4 MS. GIVEN: Objection, compound, vague and
5 ambiguous, argumentative.

6 Q. MR. TUTTLE: You can answer.

7 A. Can you repeat the question?

8 Q. I'll reframe it. You do not know when
9 PhotoSmart was introduced, correct?

10 MS. DiGENNARO: Objection, argumentative.

11 THE WITNESS: I do not.

12 Q. MR. TUTTLE: You do not know if PhotoSmart was
13 introduced before or after TouchSmart, correct?

14 A. I know that it was introduced prior to
15 TouchSmart.

16 Q. What year?

17 A. I do not know.

18 Q. On what basis do you know that PhotoSmart was
19 introduced prior to TouchSmart?

20 A. Because I purchased one.

21 Q. When?

22 A. In 2005.

23 Q. You're changing your testimony on when these
24 marks were introduced, correct?

25 A. No.

1 Q. Okay. You testified, Ms. Neumann, that you
2 were involved in the naming of the TouchSmart product.

3 A. Correct.

4 Q. Do you recall that?

5 A. Yes.

6 Q. Were you involved -- were you involved in any
7 clearance prior to adoption of TouchSmart?

8 MS. DiGENNARO: Objection, vague.

9 THE WITNESS: What do you mean by clearance?

10 Q. MR. TUTTLE: Okay. Is there a process within
11 Hewlett-Packard for investigating the availability of
12 new product identifiers?

13 A. We have a trademark attorney.

14 Q. Okay. Is there a process --

15 A. Yes.

16 Q. -- within Hewlett-Packard for this trademark
17 attorney to investigate the availability of proposed new
18 product designators?

19 A. Yes.

20 MS. DiGENNARO: Objection, privileged.

21 MR. TUTTLE: No, it's not privileged.

22 Q. You did you participate in any way in that
23 investigation?

24 A. I did not physically participate in the
25 investigation. I -- I'm not a lawyer.

1 Q. Physically or any other way. Did you ever any
2 degree in any form of participation in the
3 investigation, in HP's investigation of TouchSmart?

4 A. Yes.

5 Q. How did you participate?

6 A. The team --

7 MS. DiGENNARO: Objection, privileged.

8 THE WITNESS: Still go?

9 MR. TUTTLE: That's not privileged, the manner
10 in which she participated. Privilege only goes to
11 communications. I'm not asking her about her
12 communications. I'm asking her about the manner in
13 which she participated.

14 MS. DiGENNARO: You can answer, but I'm
15 instructing you not to answer with respect to any
16 communications you had with attorneys.

17 MR. TUTTLE: Fine.

18 Q. Please answer.

19 A. I'm not sure how to answer. The team fills out
20 a form they submit to me. I approve it from a branding
21 perspective. It then passes to legal. They conduct
22 their search.

23 Q. Did you review the legal search results?

24 A. No.

25 Q. Do you know if legal became aware of Nartron's

1 SmartTouch mark?

2 A. I have no idea.

3 Q. Do you know if Hewlett-Packard knew of
4 Nartron's SmartTouch mark before Hewlett-Packard adopted
5 the TouchSmart mark?

6 A. Not to my knowledge.

7 Q. I'm sorry. Your answer was not to your
8 knowledge.

9 A. Not to my knowledge. I don't know.

10 Q. Okay. You don't know. Thank you. Would you
11 go to your Exhibit 1, please? That's your TouchSmart
12 registration 3600880. Ms. Neumann, you were shown the
13 description or identification of goods there. Do you
14 recall that on your direct examination?

15 A. Yes.

16 Q. Okay. Personal computers, computer hardware,
17 computer monitors, computer display screens. Do you see
18 those items there?

19 A. Yes.

20 Q. Give me an example of a TouchSmart branded item
21 of computer hardware that is not a personal computer,
22 computer monitor or computer display screen.

23 MS. DiGENNARO: Objection, vague and ambiguous.

24 THE WITNESS: They're all-in-one PC's. They
25 incorporate.

1 Q. MR. TUTTLE: I'm asking within the four corners
2 of this document, not with reference to the marketplace.
3 This is what you applied to register for exclusive
4 rights. I want you to tell me what is an item of
5 computer hardware that is branded TouchSmart that is not
6 a personal computer, computer monitor, or computer
7 display screen?

8 MS. DiGENNARO: Objection, vague and ambiguous.

9 THE WITNESS: It's an all-in-one PC. I don't
10 know how to --

11 Q. MR. TUTTLE: Well, do you know what the term
12 computer hardware refers to?

13 A. It's the computer -- the hardware of the
14 computer that is a part of all-in-one PC.

15 Q. That's tautological. I want to know -- let me
16 back up here. I'm holding in my hand Hewlett-Packard's
17 responses to Nartron's interrogatories.

18 MS. GIVEN: Well, if you're holding that, the
19 witness ought to look at it.

20 Q. MR. TUTTLE: Interrogatory No. 1 says:
21 Identify by name, title, and business address persons
22 knowledgeable of respondent's -- that's
23 Hewlett-Packard's -- use of TouchSmart for each of the
24 goods recited in U.S. Registration No. 3600880 as of the
25 claimed date of first use, that is January 29, 2007.

1 And after skipping over the objections, they
2 identify you as knowledgeable in response to this
3 interrogatory, Jean Neumann, Creative Operations
4 Manager, Personal Systems Group, Worldwide Marketing.
5 Your counsel can look at it independently to verify what
6 I'm reading.

7 What were the items of computer hardware on
8 which Hewlett-Packard used the TouchSmart mark in
9 interstate commerce as of January 29, 2007?

10 MS. DiGENNARO: Objection, asked and answered.

11 THE WITNESS: So the HP TouchSmart PC.

12 Q. MR. TUTTLE: Well, PC is an abbreviation for
13 personal computers, correct?

14 A. Yes.

15 Q. That's a separate item in the description of
16 goods. I'm asking you for the computer hardware as
17 distinguished from the personal computers.

18 A. We do not distinguish them.

19 Q. Who is we?

20 A. HP. In this circumstance regarding TouchSmart,
21 it is an all-in-one.

22 Q. I should disregard then -- so the term computer
23 hardware is redundant with personal computers. Is that
24 your testimony?

25 MS. DiGENNARO: Objection, legal conclusion.

1 Calls for a legal conclusion.

2 MR. TUTTLE: No, it doesn't.

3 Q. I just want your understanding. You were held
4 out in a sworn interrogatory answer as knowledgeable on
5 this point, and I'd like to know your best answer.

6 A. And my best answer is that the monitor and the
7 hardware are incorporated into the final product,
8 personal computer.

9 Q. I want to know an example of a computer
10 hardware item sold and branded under TouchSmart in
11 interstate commerce on January 29, 2007.

12 MS. DiGENNARO: Objection, asked and answered.

13 THE WITNESS: The TouchSmart PC, HP TouchSmart
14 PC.

15 Q. MR. TUTTLE: Do you know if electronic
16 proximity sensors would qualify as computer hardware?

17 A. I do not.

18 Q. Do you know if -- well, we've established that
19 you don't -- well, if Nartron sold electronic proximity
20 sensor branded SmartTouch for use as computer hardware,
21 would you object to that?

22 MS. DiGENNARO: Objection, vague and ambiguous
23 and incomplete hypothetical.

24 Q. MR. TUTTLE: Your response, please?

25 A. Can you repeat the question?

1 (Record read: Q. Well, if Nartron sold
2 electronic proximity sensor branded SmartTouch for use
3 as computer hardware, would you object to that?)

4 THE WITNESS: No.

5 Q. MR. TUTTLE: You'd have no objection to Nartron
6 introducing a brand of personal computers under the
7 name -- under the brand SmartTouch to compete with HP's
8 TouchSmart?

9 MS. DiGENNARO: Objection, mischaracterizes the
10 testimony of the witness.

11 THE WITNESS: Yes, I would.

12 Q. MR. TUTTLE: Why would you object to that?

13 A. They would be identical products.

14 Q. On your direct examination, you were asked
15 about a budget for a media buy. Do you recall that?

16 A. Uh-huh. Yes.

17 Q. Does HP have an advertising agency responsible
18 for the TouchSmart product line?

19 A. Yes.

20 Q. Who is it?

21 A. Currently I believe McCann is the company. At
22 the time that these materials were developed it was
23 McCann.

24 Q. M-c-C-a-n-n?

25 A. Yes.

1 Q. What office?

2 A. We use their worldwide group. It's not a
3 single office.

4 Q. Do you interact with the McCann office?

5 A. No.

6 Q. Is there an account executive of McCann
7 assigned to HP for the TouchSmart product line?

8 A. Yes.

9 Q. What's the name of that person?

10 A. I don't recall.

11 Q. What office does that person work out of?

12 A. San Francisco and New York.

13 Q. Are you guessing or are you saying both
14 offices?

15 A. No, we work with -- in the U.S. we work with
16 those two offices mainly.

17 Q. Ms. Neumann, I understand your area of
18 responsibility for TouchSmart branded products is
19 commercial and consumer. Is that accurate?

20 A. Yes.

21 Q. Are there other market segments of HP into
22 which it sells computer products?

23 A. Small or medium business would be a part of
24 retail sales channel.

25 Q. Does HP sell to the military?

1 A. Yes.

2 Q. And that's outside your area of responsibility,
3 correct?

4 A. They would receive the commercial products.

5 Q. The military would receive the commercial --
6 would be within your -- okay. The military is within
7 commercial product group, right?

8 A. Yes.

9 Q. Okay. How about industrial products?

10 A. That is also commercial product group.

11 Q. Are there other groups that you can identify
12 other than consumer and commercial?

13 A. For us, consumer and commercial encompasses all
14 of our customers.

15 Q. Military, industrial?

16 A. Military, education, industrial. All the
17 vertical markets are contained within those two
18 categories.

19 Q. Okay. Do you know if Hewlett-Packard
20 TouchSmart products have ever been sold into the
21 automotive industry?

22 A. I do not have personal knowledge.

23 Q. Well, do you know one way or the other?

24 A. I do not have personal knowledge, no.

25 Q. I'm trying to make it simple. Do you know one

1 way or the other?

2 A. No.

3 Q. Yes or no?

4 A. No.

5 Q. I'm sorry.

6 A. No.

7 Q. Thank you. Do you own a car?

8 A. Yes.

9 Q. Do you have instrument panel controls on the
10 car?

11 A. I have an instrument panel and controls. I
12 assume they're the same.

13 Q. Do you use your fingers to control them?

14 A. I use my fingers to press buttons.

15 Q. Do you know if instrument panel controls on an
16 automobile would qualify as computer hardware?

17 A. I don't know.

18 Q. You folks have, I think Hope sent you, I'll
19 hold it up, a document with a blue band on it and the
20 heading HP drives industry standards for rugged
21 computing. Do you have that?

22 MS. DiGENNARO: Yes, we do.

23 MR. TUTTLE: We can either mark it as
24 continuation of your numbering 14 or we can assign it as
25 Nartron's exhibit.

1 MS. DiGENNARO: 14 is fine.

2 MR. TUTTLE: Okay. The case will not be won or
3 lost depending on the exhibit numbering.

4 MS. DiGENNARO: No.

5 (Deposition Exhibit 14 marked for
6 identification.)

7 Q. MR. TUTTLE: Ms. Neumann, do you have this
8 document in front of you?

9 THE REPORTER: Not quite.

10 THE WITNESS: No.

11 MS. DiGENNARO: I'd like to object that this
12 document was not produced in discovery.

13 MR. TUTTLE: Your objection is noted.

14 Q. Ms. Neumann, let me know when you've had a
15 chance to acquaint yourself with the document.

16 A. Okay. Yeah.

17 Q. Do you recognize the document?

18 A. I do not.

19 Q. Do you recognize the format of this Exhibit 14
20 as a Hewlett-Packard document?

21 A. Yes.

22 Q. On the second page is a heading executive
23 summary. Do you see that?

24 A. Yes.

25 Q. And it discusses or makes reference to in the

1 third paragraph the HP Rugged Notebook and HP Rugged
2 Tablet PC.

3 A. Uh-huh.

4 Q. Do you see that in the last line of the third
5 paragraph? Actually, it's in the first paragraph, too.

6 A. Uh-huh.

7 Q. And the fourth paragraph makes reference to
8 U.S. military specifications.

9 A. Yes.

10 Q. Do you see that?

11 A. Yes.

12 Q. And the last paragraph makes reference to this
13 document as a white paper. Do you see that?

14 A. Yes.

15 Q. Now, if you go to the next to last page --
16 excuse me, not the next to the last page. If you go to
17 two pages from the back, three pages back, there is a
18 table. In the top are column headings Test name,
19 Standard, Test description.

20 A. Yes.

21 Q. And the first row entry under Test name is:
22 "Mechanical life (for HP nr3600 Rugged Notebook)." Do
23 you see that?

24 A. Yeah.

25 Q. In the third column is the heading Test

1 description. Do you see that?

2 A. Yes.

3 Q. The last row entry under that heading for that
4 product is touchscreen. Do you see that?

5 A. Yes.

6 MS. DiGENNARO: Where are you, Counsel?

7 MR. TUTTLE: Do you see the heading Test
8 description?

9 MS. DiGENNARO: Yes.

10 MR. TUTTLE: Right here. And then in that
11 block there or that table the last row entry is
12 touchscreen.

13 MS. DiGENNARO: I see.

14 Q. MR. TUTTLE: Do you know if HP has -- let me
15 ask you this. Do you have -- presently do you have
16 knowledge of all of HP's future marketing plans for
17 touchscreen computers?

18 MS. DiGENNARO: Objection, vague and ambiguous.
19 Are you referring to TouchSmart products?

20 MR. TUTTLE: We'll get there.

21 Q. Your response, ma'am? Do you have
22 comprehensive knowledge of HP's product plans for
23 touchscreen computers?

24 A. Yes.

25 Q. Do you know that HP will never brand the

1 computer described here as a TouchSmart computer?

2 MS. DiGENNARO: Objection, unintelligible. And
3 calls for speculation.

4 THE WITNESS: This product has gone end of
5 life. So we would not name it TouchSmart. We don't
6 sell it anymore.

7 Q. MR. TUTTLE: I'm sorry. I didn't hear.

8 A. This product --

9 Q. Go ahead.

10 A. -- nr3600, has gone end of life. We no longer
11 sell it. So it would not be named TouchSmart.

12 Q. Is there a successor product that uses a
13 touchscreen?

14 A. Yes, it is not a TouchSmart product.
15 TouchSmart.

16 Q. Do you know that it will never be branded
17 TouchSmart?

18 A.
19 **REDACTED**

20 Q. Well, I didn't ask you about the current
21 guidelines. I'm asking about your comprehensive
22 knowledge of future marketing plans.

23 A.
24 **REDACTED**

25 Q. I didn't finish the question.

1 A. Okay. Sorry.

2 Q. Could the touchscreen -- excuse me. I
3 misspoke.

4 Could the TouchSmart brand be extended into
5 this product line?

6 A.

7 Q.

8

9

10

REDACTED

11

12 A.

13 Q.

14 A.

15 Q.

16 A.

17 MS. DiGENNARO: Are you done with Exhibit 14?

18 MR. TUTTLE: Sure, for the moment.

19 MS. DiGENNARO: We object to this as lacking
20 foundation. We object to Exhibit 14 as lacking
21 foundation.

22 MR. TUTTLE: It's your exhibit. It's your
23 document.

24 Q. Anyway, okay.

25 MS. DiGENNARO: You can take a break if you

1 need one.

2 THE WITNESS: Okay. That would be great.

3 MR. TUTTLE: Why don't we do that. We'll come
4 back in five minutes.

5 MS. DiGENNARO: Okay. Go off the record.

6 (Deposition recess taken.)

7 MS. DiGENNARO: Are you ready in Michigan?

8 MR. TUTTLE: We are ready in Michigan.

9 MS. DiGENNARO: Okay. Let's go back on the
10 record.

11 Q. MR. TUTTLE: Ms. Neumann, would you place
12 before you Exhibit 1 again, please, which is the
13 TouchSmart registration document?

14 A. Yes.

15 Q. Again, would you give attention to the
16 description of the goods? There are four items of goods
17 there, personal computers, computer hardware, computer
18 monitors, and computer display screens. Can you give me
19 an example of a how an item qualifying as a computer
20 monitor is distinguished from a computer display screen?

21 MS. DiGENNARO: Objection, calls for a legal
22 conclusion.

23 THE WITNESS: I'm not aware of any difference.

24 Q. MR. TUTTLE: In your mind, are computer
25 monitors redundant with computer display screens?

1 A. Yes.

2 Q. Ms. Neumann, does HP sell service parts for
3 TouchSmart computers?

4 MS. DiGENNARO: Objection, foundation.

5 THE WITNESS: I don't know.

6 Q. MR. TUTTLE: If I had a TouchSmart all-in-one
7 computer and I spilled coffee on the screen and it
8 didn't work anymore, could I order a new monitor?

9 A. Not separately from the rest of the unit.

10 Q. If I were an enterprise customer and I had a
11 hundred monitors that I wanted to replace, would you
12 sell me a hundred monitors, TouchSmart monitors?

13 A. We don't HP TouchSmart monitors. We sell HP
14 TouchSmart PC's.

15 Q. Do you know, though, one way or the other
16 whether HP sells as service parts components of the
17 TouchSmart all-in-one computers?

18 A. I do not.

19 Q. Before you appeared today for your testimony,
20 did you investigate any circumstances in which HP may
21 have sold discrete items of personal computers or
22 discrete items of computer monitors or made discrete
23 sales of computer hardware other than as an all-in-one
24 package? Did you investigate that?

25 MS. DiGENNARO: Objection, vague and ambiguous

1 and compound.

2 THE WITNESS: I did no investigation.

3 MR. TUTTLE: Okay. Thank you, Ms. Neumann.

4 That completes our cross-examination. I want to thank
5 HP's counsel again by accommodating us by video
6 conference and by the rescheduling to allow someone
7 else. Thank you in that regard. We have nothing
8 further.

9 MS. DiGENNARO: We'd like to do a brief
10 redirect, but we'd like to take a short break.

11 MR. TUTTLE: Well, if you do, I'd ask that you
12 not discuss the witness's testimony with the witness.

13 MS. DiGENNARO: That's fine.

14 MR. TUTTLE: All right. We'll stay on line
15 then. How long do you expect you'll need?

16 MS. GIVEN: Just three minutes.

17 (Deposition recess taken.)

18 FURTHER EXAMINATION BY MS. DiGENNARO

19 Q. Just a brief, brief redirect. You were asked
20 about some dates with respect to the PhotoSmart and
21 MediaSmart marks.

22 A. Uh-huh.

23 Q. I think there might have been a little bit of
24 confusion with respect to that. Did HP start using the
25 PhotoSmart and MediaSmart marks prior to 2007?

1 A. Yes.

2 Q. And how do you know that?

3 A. I purchased a PhotoSmart printer prior to that
4 date, and I worked on the name for the MediaSmart
5 server. I just don't remember the exact dates.

6 Q. And did you consider the PhotoSmart mark and
7 the MediaSmart mark in the process of coming up with the
8 TouchSmart mark?

9 A. Yes.

10 Q. Let's look at Exhibit 1. Does HP sell all of
11 the goods identified in Exhibit 1?

12 A. Yes.

13 Q. And are all of those goods identified in
14 Exhibit 1 sold as a single unit under the TouchSmart
15 mark?

16 A. Yes.

17 Q. Are any HP TouchSmart products sold as
18 component parts?

19 A. No.

20 MS. DiGENNARO: That's all we have.

21 FURTHER EXAMINATION BY MR. TUTTLE

22 Q. Well, let me ask just a few recross questions.
23 Ms. Neumann, did you personally come up with the
24 TouchSmart name?

25 A. No.

1 Q. Well, you were asked if PhotoSmart and
2 MediaSmart were involved in the process of coming up
3 with the TouchSmart mark. Do you recall that?

4 A. Yes.

5 Q. Who came up with the TouchSmart name at
6 Hewlett-Packard?

7 A. There was a team of us that worked on the
8 product naming, and we had an outside agency that we
9 worked with in order to identify a variety of names as
10 well as conducting some research with customers.

11 Q. What was the name of the outside agency?

12 A. I don't recall. It's been a while.

13 Q. Was it an advertising agency?

14 A. It was a naming agency.

15 Q. Also known as a branding agency?

16 A. Yes.

17 Q. How far in time prior to January 2007 did your
18 group get involved in the process of coming up with the
19 TouchSmart name?

20 A. It was in 2006.

21 Q. Do you remember the names of anybody at the
22 branding agency?

23 A. No.

24 Q. Was there a report provided by the branding
25 agency?

1 MS. DiGENNARO: Objection, outside the scope of
2 the redirect.

3 THE WITNESS: A report in what regard?

4 Q. MR. TUTTLE: In the conventional English
5 language meaning of the term report.

6 A. They provided us with several names, yes.

7 Q. Were the names contained in a report?

8 A. Yes.

9 Q. Did they do any market testing in connection
10 with the names they proposed?

11 MS. DiGENNARO: Objection, outside the scope of
12 redirect.

13 THE WITNESS: I know that our research team did
14 do testing.

15 Q. MR. TUTTLE: Did the branding agency do
16 testing?

17 A. I don't know. I don't recall.

18 Q. Did HP's research team do testing?

19 A. Yes.

20 Q. Were there reports prepared?

21 A. Yes.

22 Q. Was TouchSmart tested?

23 A. Yes.

24 Q. Were other names in addition to TouchSmart
25 tested?

1 A. Yes.

2 Q. Were focus groups done?

3 MS. DiGENNARO: Objection, this is far outside
4 the scope of the redirect.

5 Q. MR. TUTTLE: Your response, please?

6 A. I believe so.

7 Q. Were there reports generated from the focus
8 group testing?

9 MS. DiGENNARO: Objection, we move to strike
10 this line of questioning. This is outside the scope of
11 redirect.

12 THE WITNESS: I don't recall specifically the
13 research format. I can't say that a report was created
14 for it or not. I wasn't involved.

15 Q. MR. TUTTLE: Was a market testing firm used to
16 conduct the focus groups?

17 MS. DiGENNARO: Same objection.

18 THE WITNESS: If we did a focus group, yes.

19 Q. MR. TUTTLE: Was any other consumer research
20 done in connection with the process of coming up with a
21 TouchSmart mark?

22 MS. DiGENNARO: Same objection.

23 THE WITNESS: Yes.

24 Q. MR. TUTTLE: And what would that other research
25 have consisted of?

1 A. I am not responsible for the research. We have
2 a team that manages that. So I don't have specifics.

3 Q. Give me your best answer, best recollection,
4 please.

5 MS. DiGENNARO: Objection, calls for
6 speculation and same objection that this is outside the
7 scope of redirect.

8 THE WITNESS: Can you repeat the question?

9 (Record read: Q. And what would that other
10 research have consisted of?)

11 THE WITNESS: So typical research for our
12 products when we're looking at names would include
13 potentially online researching and testing, potentially
14 focus groups and potentially some live one-on-one
15 testing with the product itself.

16 Q. MR. TUTTLE: In your exhibits on direct
17 examination, you identified certain target markets and
18 marketing strategy. Did that flow from your market
19 research?

20 A. Yes.

21 MS. DiGENNARO: Same objection.

22 Q. MR. TUTTLE: On your redirect examination, you
23 were asked if HP sells all the goods identified in
24 Exhibit 1, namely, the TouchSmart registration of U.S.
25 3600880. Do you remember that?

1 A. Yes.

2 Q. And you answered affirmatively, correct?

3 A. Yes.

4 Q. But on your cross-examination, previously you
5 acknowledged that you don't know what goods come under
6 the descriptor computer hardware, correct?

7 MS. DiGENNARO: Objection, mischaracterizes the
8 witness's testimony.

9 THE WITNESS: Yeah, I believe what I said in my
10 answer was that they are sold all-in-one and that is how
11 they are sold.

12 Q. MR. TUTTLE: I'm not asking about the
13 marketplace. I'm asking about the four corners of this
14 document as you were asked on redirect. Tell me an item
15 that meets the descriptor computer hardware that is not
16 a personal computer or computer monitor or computer
17 display screen. Can you do that?

18 MS. DiGENNARO: Objection, asked and answered.

19 THE WITNESS: It is an all-in-one PC. They are
20 not separate components.

21 Q. MR. TUTTLE: Let me try it again. Is a
22 personal computer an all-in-one PC?

23 A. Not necessarily.

24 Q. Is a computer monitor an all-in-one PC?

25 A. Not necessarily.

1 Q. Is a computer display screen an all-in-one PC?

2 A. Not necessarily.

3 Q. How do I know what qualifies under the
4 descriptor computer hardware as that term appears in the
5 TouchSmart registration of Exhibit 1?

6 MS. DiGENNARO: Objection, calls for legal
7 conclusion, foundation.

8 THE WITNESS: I don't know.

9 MR. TUTTLE: I have nothing further on recross.
10 Thank you, Ms. Neumann.

11 THE WITNESS: Thank you.

12 MS. DiGENNARO: We have nothing further either.

13 MR. TUTTLE: Thank you. Again, thank you for
14 accommodating us.

15 THE REPORTER: Mr. Tuttle, do you want a copy
16 of the transcript?

17 MR. TUTTLE: E copy only, please. We do not
18 need copies of the exhibits, just an E copy of the
19 transcript, please.

20 --o0o--

21 (Whereupon, the deposition was adjourned at
22 12:50 p.m.)

23 --o0o--

24

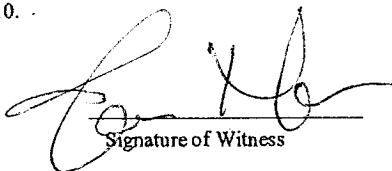

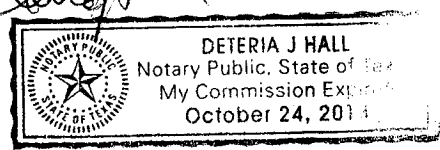
25

1 Q. Is a computer display screen an all-in-one PC?
2 A. Not necessarily.
3 Q. How do I know what qualifies under the
4 descriptor computer hardware as that term appears in the
5 TouchSmart registration of Exhibit 1?
6 MS. DiGENNARO: Objection, calls for legal
7 conclusion, foundation.
8 THE WITNESS: I don't know.
9 MR. TUTTLE: I have nothing further on recross.
10 Thank you, Ms. Neumann.
11 THE WITNESS: Thank you.
12 MS. DiGENNARO: We have nothing further either.
13 MR. TUTTLE: Thank you. Again, thank you for
14 accommodating us.
15 THE REPORTER: Mr. Tuttle, do you want a copy
16 of the transcript?
17 MR. TUTTLE: E copy only, please. We do not
18 need copies of the exhibits, just an E copy of the
19 transcript, please.
20 --oOo--
21 (Whereupon, the deposition was adjourned at
22 12:50 p.m.)
23 --oOo--
24
25

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1 CERTIFICATE OF REPORTER
2 I, WENDY E. ARLEN, a Certified Shorthand
3 Reporter, hereby certify that the witness in the
4 foregoing deposition was by me duly sworn to tell the
5 truth, the whole truth and nothing but the truth in the
6 within-entitled cause;
7 That said deposition was taken down in shorthand
8 by me, a disinterested person, at the time and place
9 therein stated, and that the testimony of the said
10 witness was thereafter reduced to typewriting, by
11 computer, under my direction and supervision.
12 I further certify that I am not of counsel or
13 attorney for either or any of the parties to the said
14 deposition nor in any way interested in the event of
15 this cause and that I am not related to any of the
16 parties thereto.
17
18 DATED: November 24, 2010
19
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21
22 WENDY E. ARLEN, CSR NO. 4355, CRR, CMR
23
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25

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1
2 I declare under penalty of perjury that the
3 foregoing is true and correct. Subscribed at
4 _____, California, this ____ day of _____,
5 2010.
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9 Signature of Witness
10
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8
9 --oOo--
10
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12
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15 TouchSmart mark
16 Exhibit 2 1/7/07 News release: HP Redefines 8
17 Personal Digital Entertainment
18 Experience with Expanded Portfolio
19 for Consumers
20 Exhibit 3 Snapshot of HP micro site for HP 10
21 MediaSmart Server
22 Exhibit 4 HP TouchSmart IQ770 PC Datasheet 12
23 Exhibit 5 Snapshot of Web site for HP tm2t 14
24 series
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I declare under penalty of perjury that the foregoing is true and correct. Subscribed at _____, California, this ____ day of _____, 2010.

Signature of Witness

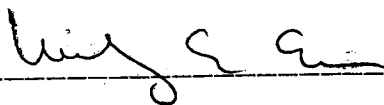
CERTIFICATE OF REPORTER

I, WENDY E. ARLEN, a Certified Shorthand Reporter, hereby certify that the witness in the foregoing deposition was by me duly sworn to tell the truth, the whole truth and nothing but the truth in the within-entitled cause;

That said deposition was taken down in shorthand by me, a disinterested person, at the time and place therein stated, and that the testimony of the said witness was thereafter reduced to typewriting, by computer, under my direction and supervision.

I further certify that I am not of counsel or attorney for either or any of the parties to the said deposition nor in any way interested in the event of this cause and that I am not related to any of the parties thereto.

DATED: November 24, 2010



WENDY E. ARLEN, CSR NO. 4355, CRR, CMR

ERRATA SHEET

Nartron Corporation v. Hewlett-Packard Development Company, L.P.

Cancellation No. 92050789

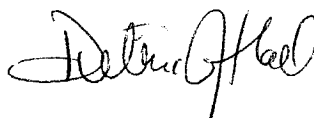
Deposition of Jean Neumann

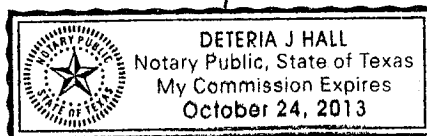
Date of Deposition: November 16, 2010

PAGE: LINE	TEXT AS REPORTED	CORRECTED TEXT
13:9	Not under the PC name.	Replace "PC" with "TouchSmart."
14:12	And what is the product shown in Exhibit 25?	Replace "25" with "5."
25:2-4	Are the types of customers described here sill still the type of customers for the HP TouchSmart consumer PC's?	Delete "sill." Insert "targeted" between "customers" and "for."
39:14-17	The -- the function of the PC is not something that is meant to be incorporated as a component part to another product. It is a stand-alone product that is HP branded.	Insert "TouchSmart" between "the" and "PC."
66:13-14	We don't HP TouchSmart monitors. We sell HP TouchSmart PC's.	Insert "sell" between "don't" and "HP."
73:9-11	Yeah, I believe what I said in my answer was that they are sold all-in-one and that is how they are sold.	Replace "Yeah" with "No."

Date: December 8, 2010


JEAN NEUMANN





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NARTRON CORPORATION,

Petitioner,

v.

HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.,

Respondent.

Cancellation No. 92050789

Registration No. 3,600,880

Registration Date: April 7, 2009

Mark: **TOUCHSMART**

TESTIMONY DEPOSITION OF JEAN NEUMANN

November 16, 2010

EXHIBIT 1

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

United States Patent and Trademark Office

Reg. No. 3,600,880

Registered Apr. 7, 2009

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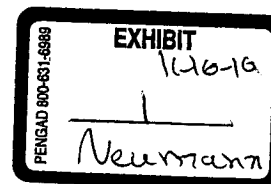
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BENJAMIN ALLEN, EXAMINING ATTORNEY



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EXHIBIT 2

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HP Redefines Personal Digital Entertainment Experience with Expanded Portfolio for Consumers

LAS VEGAS, Jan. 7, 2007

HP today expanded its portfolio of digital entertainment offerings with a new consumer PC category and a broad lineup of digital entertainment products and services that aim to fundamentally change the way people connect, access and enjoy high-definition and personal digital content.

Related Links

- » Digital entertainment
- » Home PC
- » High definition TV (HDTV)
- » Snapfish
- » Scanjet

Announced at the 2007 International Consumer Electronics Show (CES), the offerings include the industry's first all-in-one touch-screen PC and touch-screen consumer tablet PC based on Microsoft

- » Press kit
- » Feature story

Windows Vista™. (1) HP's first home media server, nine new high-definition TVs, a Blu-ray disc writer, new digital content delivery services and home automation solutions.

Additionally, the company's online photo service, Snapfish by HP, has released a new software tool that will enable members to bypass the photo upload process and send their pictures to their PCs or Snapfish accounts without a single click of a mouse.

"People are rapidly moving to a high-definition lifestyle, generating and sharing their own personal digital content and enjoying higher quality movies and music," said Todd Bradley, executive vice president, Personal Systems Group, HP. "HP has the broadest portfolio of digital entertainment products and partnerships that can transform the way people experience TV, music, movies, photographs and other entertainment content, from instant access to movies and photos with HP QuickPlay to our HP MediaSmart HDTVs to a new touch-screen category that enables walk-up computing."

New touch-screen PCs for computing wherever life happens in the home

To meet the changing ways in which people want to access and enjoy their digital content, HP, the worldwide PC sales leader, (2) has introduced its latest innovation in PC design.

The new HP TouchSmart PC is the industry's first all-in-one PC based on Microsoft Windows Vista. It provides users with one-touch wireless access to information, communication and entertainment through HP SmartCenter, a new customizable user interface that includes HP SmartCalendar for family calendaring and HP PhotoSmart Touch to manage digital photos. Featuring a 19-inch HD widescreen with adjustable touch-screen display, Vista remote control and personal video recorder with HD and SD TV programming, the HP TouchSmart PC enables "walk-up computing," the ability to quickly and easily have touch access to digital content wherever life happens in the home.

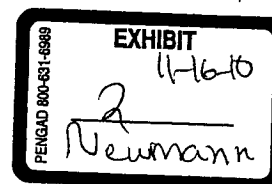
HP also introduced the industry's first consumer tablet PC optimized for Microsoft Windows Vista and on-the-go entertainment. The HP Pavilion tx1000 Entertainment Notebook PC features a touch-screen display, built-in miniature remote control, HP QuickPlay instant movie viewing feature, karaoke and a screen that swivels 180 degrees and folds flat for working or enjoying movies in tight travel spaces such as airplanes or trains.

By partnering with Sling Media, creators of the industry-leading Slingbox, HP has enhanced its QuickPlay offering on consumer notebooks with "place shifting," which allows consumers to instantly access their live television programming and DVR content - as easy as turning on a TV.

<http://www.hp.com/cgi-bin/pf-new.cgi?IN=referrer>

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Delivering the high-def lifestyle

HP's new line of high-definition TVs, home media server and digital content delivery services allows consumers to easily view and share their high-definition content throughout their homes.

The 2007 HP HDTV lineup includes nine new plasma, LCD and MediaSmart TV models, all of which feature an improved Visual Fidelity Engine for enhanced image quality with finer picture detail.

HP MediaSmart TVs merge the PC and the TV with the ability to wirelessly⁽³⁾ stream digital photos, music and videos from a PC onto a stylish HP high-definition LCD display. The latest models feature 1080p performance and the new HP Entertainment Services Portal, which provides access to a variety of online photo, video and music services with the click of a remote. Services include Snapfish, Real Networks' Rhapsody and CinemaNow, which allows consumers to begin watching movies from its library of more than 4,000 titles before the download is even complete.

The new HP MediaSmart Server is designed to help people get the most out of their home networks by connecting them to their digital assets both at home and on the go. Based on Microsoft's new Windows® Home Server platform and an AMD processor, the server enables users to access, back up, share and enjoy digital music, home videos and photos from any computer or entertainment system on a home network. The server also has the expandability and extensibility to grow with a family's changing needs.

HP also released its first Blu-ray disc player, the HP bd135 Blu-ray Disc Writer. The device delivers the crystal-clear picture quality of Blu-ray Disc movies and allows users to record high-definition TV broadcasts as well as store data, digital photos, music and camcorder footage.

In collaboration with Best Buy For Business and Exceptional Innovation, HP additionally debuted ConnectedLife.Home, a packaged digital home solution designed to bring digital entertainment and home automation to mainstream consumer audiences. Demonstrated at the NextGen Home at CES 2007, attendees will have their first chance to see and buy the ConnectedLife.Home package.

Powering the solution is an HP Digital Entertainment Center that enables users to record and view TV shows anywhere in the home and enjoy other digital content such as photos, music or videos. Lifeware software from Exceptional Innovation centralizes the system to automate other household functions like lighting, thermostats and surveillance. The package will be available for purchase by calling Best Buy at +1-866-597-8426 and on Best Buy's website at <http://www.bestbuy.com>.

"The digitization of content and the migration to IP delivery, trends in service provider competition, the growth of broadband at home, and advancements in digital home platforms are all driving the consumer's need for connected entertainment networks," said Kurt Scherf, vice president, principal analyst, Parks Associates. "HP understands this growing trend and is building connectivity into all of its products so users can easily bring digital content into the living room, kitchen or on the road."

Digital photos bring the high-def lifestyle into focus

The new Snapfish PictureMover tool is a downloadable desktop client that allows members to effortlessly transfer photos from their digital cameras or memory card readers to both their PCs and Snapfish accounts. For typical users, the tool eliminates at least 11 steps from the transfer process, bypassing the standard upload process and saving valuable time.

HP further expanded its digital photography portfolio with the HP Scanjet G4050 and G4010 Photo Scanners, which provide six-color photo scanning with exceptional color accuracy for photos, slides and negatives. Additionally, the HP Scanjet G3010 Photo Scanner provides photo, film and document scanning with one of the highest resolutions available at this scanner's price, making it one of the most competitive home scanning products worldwide.

Enabling consumers to do even more with their photos, HP has announced its sponsorship of the "Making the Cover" website through Time Inc. Between now and Feb. 7, consumers can go to <http://www.makingthecover.com> where they can upload their personal photos to the covers of Time® Magazine, Entertainment Weekly® Magazine, Sports Illustrated® Magazine and People® Magazine.

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to be printed and shared with family and friends. CES attendees also can take advantage of this in the HP booth.

Pricing, availability and support

HP allows consumers to enjoy a worry-free digital entertainment experience with HP Total Care, a comprehensive service and support program that was recently recognized by J.D. Power and Associates for consistently providing an "An Outstanding Customer Service Experience."⁽⁴⁾

More information on HP's new products and services, including pricing and availability, is available at <http://www.hp.com/go/CES2007>. Products will be available online at the HP Home and Home Office Store (www.hpshopping.com) as well as major retail outlets.

About HP.

HP is a technology solutions provider to consumers, businesses and institutions globally. The company's offerings span IT infrastructure, global services, business and home computing, and imaging and printing. For the four fiscal quarters ended Oct. 31, 2006, HP revenue totaled \$91.7 billion. More information about HP (NYSE, Nasdaq: HPQ) is available at <http://www.hp.com>.

(1) Certain Windows Vista product features require advanced or additional hardware. See <http://www.microsoft.com/windowsvista/getready/hardwareregs.mspix> and <http://www.microsoft.com/windowsvista/getready/capable.mspix> for details. Windows Vista Upgrade Advisor can help people determine which features of Windows Vista will run on their computers. To download the tool, visit <http://www.windowsvista.com/upgradeadvisor>.

(2) HP ranked No. 1 in PC shipments in the third quarter of 2006, as reported by Gartner's Top 5 Preliminary PC Market Results, 3Q2006 Update, Oct. 18, 2006.

(3) Wireless home network required and not included.

(4) J.D. Power and Associates Certified Technology Service and Support ProgramSM, developed in conjunction with the Service & Support Professionals Association. For more information, visit <http://www.jdpower.com> or <http://www.thesspa.com>.

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Registration Date: April 7, 2009

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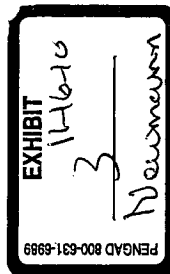
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

NARTRON CORPORATION,

Petitioner,

v.

HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.,

Respondent.

Cancellation No. 92050789

Registration No. 3,600,880

Registration Date: April 7, 2009

Mark: **TOUCHSMART**

TESTIMONY DEPOSITION OF JEAN NEUMANN

November 16, 2010

EXHIBIT 4



HP TouchSmart IQ770 PC

Datasheet

PENGAD 800-831-8989

EXHIBIT

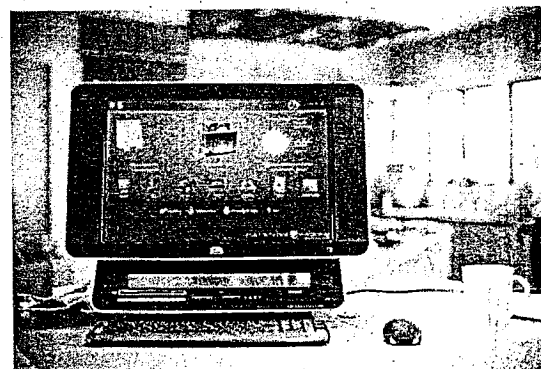
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Neuman

Key features

- AMD Turion™ 64 X2 Dual-Core II-521
- Microsoft® Windows Vista™ Premium
- 2048MB DDR2 SDRAM system memory
- 320GB hard drive
- Slot-loading SuperMulti DVD burner* with LightScribe technology†
- Touch enabled 19" diagonal widescreen BrightView LCD
- NVIDIA GeForce Go 7600 graphics card with 256MB dedicated video memory
- Integrated 1.3-megapixel HP WebCam with built-in array microphone
- HP SmartCenter Button to launch interactive mode with one touch
- NTSC TV tuner and over-the-air ATSC high-definition television tuner
- Wireless keyboard and mouse, stylus, and Media Center Remote Control
- 24 x 7 toll-free phone support and 1-year HP limited warranty‡



Your life at your fingertips

The HP TouchSmart PC is a full-featured desktop PC with an integrated touch-enabled 19" diagonal widescreen BrightView LCD. The product introduces the touch experience to desktop computing and provides fast, easy access to information, communication, and entertainment. It's designed to fit wherever life happens: in the kitchen, family room, or living room. With one touch you can check the weather, check your e-mail, or watch your favorite show.‡ It's your life at your fingertips. Some of the bundled programs and special features designed to enhance your PC experience include:

- HP SmartCenter—provides one-touch access to your customizable page of quick links and favorite applications.
- HP SmartCalendar—allows you to quickly and easily maintain your family's schedule, manage events, and leave personal written messages—even view the calendar when you're not at home.
- HP Photosmart Touch—allows you to upload, manage, edit, and print your digital memories. An integrated printer station with convenient ports lets you connect a compatible Photosmart portable printer for on-the-spot photo printing.‡



Entertainment at your fingertips

The HP TouchSmart PC also provides one-touch entertainment options, including digital photos, radio, TV, movies, digital music, and the Web.‡ Enjoy dazzling images on the 19" diagonal widescreen BrightView LCD.

- An integrated personal video recorder (PVR) lets you play, pause, rewind, and record live TV—perfect for watching cooking shows in the kitchen or keeping up with your favorite series.
- Use the included remote control or touch screen to quickly and easily access music, movies, photos, TV shows, or radio programs.
- Adjust the display to the viewing height and angle most comfortable for you.
- Integrated high-performance speakers provide a great audio experience.

Protection right out of the box

Pre-installed security software helps protect you from viruses, spam, spyware, and other online threats, right out of the box.

Windows Vista Premium

The highly anticipated release of the Windows Vista operating system marks the start of a new era in computing comfort and confidence for consumers. In addition to innovations in security, reliability, and organizing and finding information, users will find that the HP TouchSmart PC includes all the necessary hardware to enjoy the full Windows Vista Premium experience, including the new Windows® Aero™ user interface and Flip 3D. These intuitive tools and impressive graphics make personal computing more manageable and visually appealing.

Award-winning support

HP stands behind our products and protects your investment with award-winning service and support available around the clock by phone, e-mail, and online—whichever you prefer.‡

- HP Total Care offers expert assistance 24 x 7:
 - Toll-free telephone support at 1.800.HP INVENT (1.800.474.6836) in English and Spanish in the United States or English and French in Canada
 - Real-time online chat at www.hp.com/support
 - E-mail, usually answered within one hour
- A desktop icon offers one-click access to online technical support, troubleshooting, and downloads at www.hp.com/support.

Fits into your life

The space-saving, clutter-free design of the HP TouchSmart PC fits almost anywhere in your home. Its keyboard and mouse are wireless. Its display is integrated with the PC base. Simply connect a few cables—power, network, and cable TV—and your HP TouchSmart PC is ready to use.

- The low-profile wireless keyboard stores in its own hideaway bay when not in use.
- An optional HP Photosmart portable photo printer installed in the printer station at the back can print photos and deliver them right at the base of the HP TouchSmart PC, under the screen.‡
- Wireless LAN and Bluetooth® technology offer more opportunities to minimize the number of cables.‡



HP Total Care is a J.D. Power and Associates Certified Technology Service and Support Center, recognized for consistently providing "An Outstanding Customer Service Experience." *

†Dual Core is a new technology designed to improve performance of certain software products. Not all customers or software applications will necessarily benefit from use of this technology. ‡1GB = 1 billion bytes when referring to hard drive capacity; actual formatted capacity is less. Up to 8GB of hard drive space is reserved for system recovery software. †DVD-RAM cannot read or write to 2.6GB single-sided or 5.2GB double-sided version 1.0 media. Does not permit copying of commercially available DVD movies or other copyright-protected materials. Intended for creation and storage of your original material and other lawful uses. ‡LightScribe creates a grayscale image similar to a black-and-white photograph. LightScribe media required; sold separately. ‡One-year limited hardware warranty and software technical support for 90 days from date of purchase. ‡Internet access required; sold separately. ‡Printer sold separately. ‡Wireless access point required and is not included. ‡Wireless Internet use requires a separately purchased Internet service contract. * J.D. Power and Associates Certified Technology Service and Support Program™, developed in conjunction with the Service & Support Professionals Association (SSPA). For more information, visit www.jdpower.com or hesspa.com.

HP TouchSmart IQ770 PC

Datasheet

Specifications

Processor	• AMD LIVE!™ Made to Bring It All Together AMD Turion™ 64 X2 Dual-Core TL-52 with AMD PowerNow!™ Technology ¹⁴
Processor Speed	• 1.6 GHz ¹⁴
Cache (L2)	• 512KBx2
Bus Speed	• 1600MT/s system bus
Chipset	• nVidia GeForce Go 6100 / nForce Go 430
Memory	• 2048MB PC2-4200 DDR2 SDRAM memory (2x1024MB for ultimate performance) (expandable up to 4GB)
Hard Drive	• 320GB 7200RPM Serial ATA hard drive ¹⁴
Expandable Drive Bay	• HP Pocket Media Drive bay ¹⁴
Optical Drive(s)	• Slot-load SuperMulti DVD Burner with LightScribe Technology: 8x DVD±R, 8x DVD±RW, 6x DVD-RW, 6x DVD±R DL, 4x DVD-R DL, 5x DVD-RAM, 8x DVD-ROM, 24x CDR, 24x CDRW, 24x CD-ROM ¹⁴
Video Graphics	• NVIDIA GeForce Go 7600 graphics card with 256MB video memory.
Wireless Access	• Wireless LAN (802.11a/b/g) with built-in WLAN antenna ¹⁴ • Bluetooth
Network Interface	• Integrated 10/100/1000 Gigabit Ethernet network interface
Sound	• Integrated audio, 6 speaker configurable • Built-in 12W 2.0 Speakers
Monitor	• Touch-enabled 19" diagonal widescreen BrightView LCD with height/tilt adjustment ¹⁴ - Native Resolution: 1440 x 900 @ 60 Hz - Contrast Ratio: 850:1 - Brightness: Up to 300 nits - Vertical Viewing Angle: 160 degrees - Horizontal Viewing Angle: 170 degrees - Pixel Pitch: 0.285 mm - Response Time: 5 ms - Viewable Area: 410.4 x 265.5 mm - Aspect Ratio: 16:10
Personal Video Recorder	• NTSC TV tuner and over-the-air ATSC high-definition television tuner ¹⁴
External Ports	• 8-in-1 memory card reader – supports Compact Flash I, Compact Flash II, IBM Microdrive, Secure Digital (SD), MultiMedia Card, Memory Stick, Memory Stick Pro, xD • Built-in printer station, accommodates select HP Photosmart printers ¹⁴ • Built-in IR/RF receivers - IR- for remote control - RF- for wireless keyboard/mouse • Front accessible (I/O) ports: - (2) USB, (1) 4-pin 1394, (1) headphone jack, S-Video, Audio (L/R) • Front LED activity lights: - Power ON, recording TV, event reminder, hard drive activity, wireless LAN/Bluetooth indicator, optical drive activity; card reader activity • Side accessible (I/O) ports: - Coaxial TV connection(s) - S-Video, Audio (L/R), Coaxial FM (US only) • Rear accessible (I/O) ports: AC inlet, (4) USB, DC Power connector for HP Photosmart printer, (1) 6-pin 1394, (1) RJ-45, Audio out (support 2.1 or 5.1 channel), 5.1 Digital audio out, mini-VGA, IR out
Remote Control	• HP Media Center remote control with IR (infrared) receiver
Web Camera	• Integrated 1.3 megapixel webcam with built-in array microphone
Memory Slots	• 2 SoDIMM (200-pin, DDR2) (occupied)
Mouse and Keyboard	• HP Low-profile Wireless Keyboard with hide-away bay and numeric keypad • HP Wireless laser mouse
Dimensions	• Unpackaged: 18.88" (l) x 21.77" (w) x 11.37" (d/h) • Packaged: 24" (l) 15" (w) x 20" (d/h)

Weight

- Unpackaged: 38.13lbs
- Packaged: 47lbs

Warranty and Support

- Service Options:
 - Hardware: One year parts and labor from date of purchase
 - Software: 90 day technical toll-free phone assistance
 - Service Delivery: Customer Replaceable Parts; Return to hp for repair; Authorized Service Provider. For information, visit www.hp.com/support
- Support Options:
 - Desktop icon provides one click access to built-in desktop Help and Support Center
 - Easy, online access to questions, answers and troubleshooting information via www.hp.com/support
 - Direct, knowledgeable assistance available 24/7 toll-free by phone.
- Extended Service Plans: You can choose from a variety of Extended Service Plans from HP to meet your individual needs by calling 1-866-234-1377 or by going to www.hp.com/go/totolcare.

Software

- Operating System • Genuine Windows Vista™ Home Premium¹⁴
- TouchSmart Software • HP SmartCenter: Quick access to information and links to your favorite applications
• HP SmartCalendar: Manage your busy family's schedule & stay in touch with voice & text messages
- Photo and Video • HP Photosmart Touch: Upload, Manage, edit and print photos
• Roxio Creator – featuring LightScribe Technology: Edit, burn and archive data to DVDs and CDs¹⁴
• iMovie autoProducer: Automatically create professional looking home videos and burn to DVD
• DVD Play: Watch DVD movies
- Productivity • Microsoft® Works 8: Includes a word processor, spreadsheet, database and calendar
• Adobe® Reader 7.0: Read and print PDF files
• HP Total Care Advisor: Customizable desktop tool provides support, system health and shopping information
- PC Security • Norton Internet Security 2007: Protect your PC out of the box (60 days of complimentary live updates)¹⁴
- Online Services • Easy sign-up to major dial-up and broadband Internet Service Providers:¹⁴
 - AOL High Speed (offer included)
 - EarthLink High Speed (offer included)
 - High Speed Internet Services Comparison Shopping



Visit www.hp.com/go/touchsmart for more details



¹⁴Speeds listed for AMD Turion™ 64 Processors are maximum performance levels on AC power. This system requires a separately purchased 64-bit operating system and 64-bit software products to take advantage of the 64-bit processing capabilities of the AMD Turion™ 64 X2 Dual-Core TL-52 processor. Given the wide range of software applications available, performance of a system including a 64-bit operating system will vary.

¹⁴For hard drives, GB = 1 billion bytes. Actual formatted capacity is less. Up to 10GB of memory is reserved for the system recovery software.

¹⁴Actual speeds may vary. Does not permit copying of commercially available DVD movies or other copyright-protected materials. Intended only for creation and storage of original material and other lawful uses. Double layer is a new technology. Double Layer media compatibility will widely vary with some home DVD players and DVD-ROM drives. LightScribe creates a grayscale image similar to black and white photography. LightScribe media required and sold separately.

¹⁴Printer sold separately.

¹⁴Internet access required. First 60 days included; subscription required for live updates afterwards.

¹⁴Intended for your original content and other lawful uses.

¹⁴Certain Windows Vista product features require advanced or additional hardware. See <http://www.microsoft.com/windowsvista/getready/hardwarereq.aspx> and <http://www.microsoft.com/windowsvista/getready/capable.aspx> for details. Windows Vista Upgrade Advisor can help you determine which features of Windows Vista will run on your computer. To download the tool, visit www.windowsvista.com/upgradeadvisor.

¹⁴ATSC high-definition (HD) source content varies and will depend on broadcast signal, antenna, and other factors. In cities where local off-air HD programs are available, reception may vary based on geographic location. An external over-the-air antenna that receives UHF and VHF signals is required for ATSC reception. Viewing HD content will require a compatible high-definition display. Ability to record, edit, or transfer broadcast content such as TV programming may be limited depending on the type of content.

¹⁴Internet access requires payment of additional fees or subscription for use. Offer does not include local telephone company charges, if any, or applicable taxes. Any long distance charges incurred will be the responsibility of the customer. Please make sure your access number is local. A valid credit card is required to initiate the service. This offer valid in the U.S.A. only. Additional terms and conditions may apply, see AOL offer for details.

¹⁴All specifications represent the typical specifications provided by HP's component manufacturers; actual performance may vary either higher or lower.

¹⁴Wireless access point required and is not included. Availability of public wireless access points limited. Wireless Internet use requires separately purchased Internet service contract.

¹⁴HP Personal Media Drive sold separately.

¹⁴HP Pocket Media Drive sold separately.

Actual product may vary from image shown on datasheet. The information contained herein is subject to change without notice. The only warranties for HP products and services are set forth in the express warranty statements accompanying such products and services. Nothing shall be construed as constituting an additional warranty. HP shall not be liable for technical or editorial errors or omissions contained herein. ©2007 Hewlett-Packard Development Company, L.P. 12/19/06_r1 Product Number: RN635AA#ABA

HP 000148

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

NARTRON CORPORATION,

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Cancellation No. 92050789

Registration No. 3,600,880

Registration Date: April 7, 2009

Mark: **TOUCHSMART**

TESTIMONY DEPOSITION OF JEAN NEUMANN

November 16, 2010

EXHIBIT 5



Home & Home Office

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Search:

Laptops & Netbooks	Desktop & All-in-One PCs	Printers	Ink & Toner	Accessories	More Products	Small Business Direct	Quick-ship Products	Outlet
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Shop online or by phone at: 1 (888) 999-4747

Windows®. Life without Walls™. HP recommends Windows 7.

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Laptops & Mini Netbooks

- HP TouchSmart tm2t series
 - Base config
 - Recommended config
 - Quick-ship

All Customizable series

All Quick-ship models

You recently browsed



tm2t series



300z series



600q series

Clear browsed items
Quick-find

CQ62Z series

Shopping assistance



Live assistance

Learn, Use, & Create

Email a friend

Sign up

Sign up for e-mail updates

Enter e-mail address

Other ways to stay connected



Wed, Jun 2, 2010

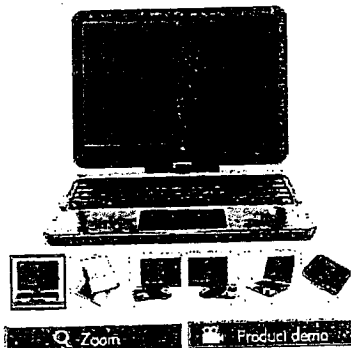
Checkout. Fast. Easy. Secure.

BillMeLater[®]
select to receive approval Decision

Now Accepting **PayPal**

ACCREDITED BUSINESS

HP TouchSmart tm2t series



Starting from: **\$849.99***

No payments for 6 months
with Bill Me Later subject to credit approval

Overall Customer Rating

OVERALL RATING: ★★★★★ 4 out of 5

52 out of 72 (72%) customers would recommend this product to a friend.

Share this product:

Special offers and deals

Free standard shipping

- Save up to \$330 instantly (on customizable models). Offer includes:
 - \$150 instant rebate
 - 50% off 4GB memory upgrade (\$25 savings)
 - Save \$100 off 6GB memory upgrade from 4GB
 - 50% off 500GB hard drive upgrade (\$25 savings)
 - Save \$20 off Adobe Premiere
 - Save \$10 off Cyberlink DVD Suite Premium
- Buy Office 2007 now! Get a Free upgrade to Office 2010 when it's available on customizable models
- Save 50% off two 6 cell batteries on customizable models

More offers

Configuration

Start with:	Priced from:
Base configuration	\$849.99*
Recommended configuration	\$924.99*
Quick-ship model Ships same day. See details. (not configurable)	\$879.99*

Overview Specs Customer Reviews Warranty & Support

The possibilities are endless with our versatile TouchSmart tm2t tablet PC, which lets you twist the screen and write or draw on it with a digital pen, navigate with your finger, or type on the keyboard. And the exclusive TouchSmart software makes it more fun than ever to interact with your laptop.

Your PC, simplified

With fast searching, easy browsing, and simple ways to connect, genuine Windows 7⁵⁵⁵ simplifies your daily activities. You can:

- Quickly get around and get things done with streamlined navigation
- Browse the Web faster and more easily with Internet Explorer 8¹
- Easily stay connected while in public hotspots²
- If you choose the optional Windows 7 Professional Edition, it also supports Windows XP mode if your configuration meets certain hardware requirements

Flexible and powerful

The TouchSmart tm2t aims to please. It's loaded with cool features, including:

- Simplified daily PC activities with genuine Windows 7 Home Premium
- A sophisticated aluminum chassis with engraved illustration
- A 12.1" (diagonal) high-definition³ LED BrightView panel with integrated touchscreen
- A full-size island-style keyboard
- Intel CULV processors for powerful performance and long battery life
- An optional high-performance ATI Mobility Radeon graphics card (includes Gigabit Ethernet)—a first for our consumer tablet PC
- High-speed DDR3 system memory (up to 8GB for top performance)
- Fast 7200 rpm hard drives for storing up to 500GB of music, photos, and video clips
- Built-in HP ProtectSmart, which will detect if your laptop is being dropped and lock the hard drive to help protect your data
- An advanced thermal design that keeps the tablet cool
- Simplified password management with an integrated fingerprint reader (optional)
- An HDMI 1.3b port, which connects your notebook to an external monitor or HD TV
- Rich, crisp sound with Dolby Advanced Audio and Altec Lansing speakers
- A PC that's ENERGY STAR[®] qualified

tm2t demo

Zero-force touch display

The display on these PCs is great for productivity and entertainment, giving you pinpoint precision with the light touch of a finger. You can:

- Twist the screen 180 degrees and fold it flat to use as a slate or digital sketchpad, or to watch a movie on a plane

Customers who bought also bought

2-year HP Care Pack House Call Service with Accidental Damage Protection for HP HDX, HP TouchSmart, or HP ENVY Laptop PC

\$299.99*



1-year HP Care Pack House Call Service with Accidental Damage Protection for HP HDX, HP TouchSmart, or HP ENVY Laptop PC

\$159.99*



2-year HP Care Pack House Call Service for HP HDX, HP TouchSmart, or HP ENVY Laptop PC

\$199.99*



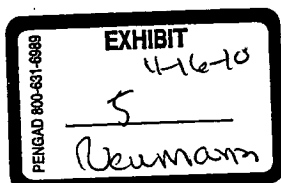
Awards and certifications



Award-winning support

HP 000144

6/2/2010



- Use the included digital pen to write notes or draw on the screen
- Use your fingers to navigate onscreen, scroll Web pages, make selections, and control objects (you can make multiple finger gestures at once)

Designed for mobility

In addition to its impressive specs, the tm2t is designed with your mobility in mind. It has:

- A starting weight of only 4.72 lb.⁴
- An optional external CD/DVD or Blu-ray⁵ drive
- Advanced **wireless connectivity** with standard draft **Wireless-N Wi-Fi⁶** and optional **Bluetooth**
- Optional mobile broadband with Qualcomm Gobi technology⁷ for staying connected at speeds up to broadband (AT&T, Verizon Wireless, or Sprint)⁸
- A standard 6-cell Lithium-Ion battery that provides up to 9.75 hours of run time⁹

Entertainment, TouchSmart style

Immerse yourself in a world of fun and discover new ways to interact with music, photos, and videos with our exclusive TouchSmart software.

- Experience the best of the Web¹, including Twitter, Netflix, and Rhapsody, with the touch interface
- Write virtual "sticky notes" and post them on your screen
- Play touch games like DigiFish Dolphin, which lets you interact with dolphins in a realistic 3-D view of the ocean, plus "Tug of Words" and "Photo Hunt"
- Go 3-D using BumpTop, which provides the look and feel of a desk and lets you organize and share files; "loss" photos to Facebook, Twitter, and e-mail¹
- Express yourself with Corel Paint it!, which lets you use your fingertips to turn photos into paintings using your fingertips
- Watch Internet TV and shows on Hulu anytime¹
- Edit photos and share on Snapfish¹

Security and support

This series is backed by a one-year warranty¹⁰ on hardware with award-winning service and support. You get:

- Real-time chat and e-mail (with a response in about an hour)
- Access to on-line support by clicking on the desktop icon
- Access to our on-line classes, FAQs, and other resources through HP Total Care
- 60 days of complimentary live updates to Symantec Norton Internet Security 2010, which has been optimized for your PC

Visit our Consumer Support Forum at hp.com/support/consumer-forum to exchange insights and tips, and get answers to questions.

1. Internet connection required; sold separately.
2. Wireless access point required, not included. Wireless Internet use requires separately purchased Internet service contract. Availability of public wireless access points limited.
3. HD content required to view HD images.
4. Weight will vary by configuration.
5. As Blu-ray is a new format containing new technologies, certain disc, digital connection, compatibility and/or performance issues may arise, and do not constitute defects in product. Flawless playback on all systems not guaranteed. In order for some Blu-ray titles to play, may require DVI or HDMI digital connection, and your display may require HDCP support. HD-DVD movies cannot be played on this PC.
6. Specifications for 802.11n WLAN are draft only. This may affect ability of PC to communicate with other 802.11n WLAN devices.
7. Gobi technology requires separately purchased wireless data service contracts. Check with local service provider for coverage and availability in your area.
8. Separately purchased mobile operator network service contract required. CDMA and GSM use may require more than one service contract. Limited to mobile network operator coverage area.
9. Battery life will vary depending on the product model, configuration, loaded applications, features, use, wireless functionality (including the wireless functionality) and power management settings. The maximum capacity of the battery will naturally decrease with time and usage. See MobileMark07 battery benchmark www.bapco.com/products/mobilemark2007 for details.
10. Support avail. for one year from date of purchase/lease. Dated sales or delivery receipt is proof of purchase/lease; you may be required to provide it as condition of receiving support. Support avail. only for software preinstalled by HP.

* Prices, specifications, availability and terms of offers may change without notice. Despite our best efforts, a small number of items may contain pricing, typography, or photography errors. Correct prices and promotions are validated at the time your order is placed. Please note these policies apply only to products sold by the HP Home & Home Office Store; reseller offers may vary.

† Monthly payment estimate based on the product price before any taxes, shipping charges, additional purchases, and other fees. If paying with Bill Me Later[®] your payment amount may be as low as \$10/mo. A revised monthly payment amount will be calculated at checkout based on shipping preferences and zip code information. Offers subject to credit approval. Click on the offer for important disclosure information.

‡ Intel's numbering is not a measurement of higher performance.

Intel, the Intel logo, Intel Core and Core Inside are trademarks or registered trademarks of Intel Corporation or its subsidiaries in the United States and other countries.

§ Actual formatted capacity is less. A portion of the hard drive is reserved for system recovery software — for notebooks up to: 20GB (Windows 7), 8GB (XP and XP Pro), 12GB (Vista), 12GB (MCE); for desktops up to: 14GB (Windows 7), 10GB (Vista, XP, XP Pro), 12GB (MCE). For hard drives 1GB=1 billion bytes.

¶ In-home warranty is available only on select customizable HP desktop PCs. Need for in-home service is determined by HP support representative. Customer may be required to run system self-test programs or correct reported faults by following advice given over phone. On-site services provided only if issue can't be corrected remotely. Service not available holidays and weekends.

†† Battery life varies depending on product configuration, model, settings, loaded applications, utilized features. As with all batteries, maximum capacity decreases with time and use. Battery life times based on MobileMark 2007 battery benchmark. Reported times are with wireless functionality off.

After first page; see www.hp.com/go/intelprinter for details.

Majority of laser AIOs <\$750, printers <\$300, using Officejet Pro products with XL cartridges; for details: www.hp.com/go/officejet

\$\$\$ This system may require upgraded and/or separately purchased hardware and/or a DVD drive to install the Windows 7 software and take full advantage of Windows 7 functionality. See <http://www.microsoft.com/windows/windows-7/> for details.

§§ HD (High Definition) content required to view HD images



Download software and drivers

Use our Web interface to [troubleshoot a problem](#)

Get access to support by [registering your product](#)

Still not finding what you need? Visit our Consumer Support Forum at hp.com/support/consumer-forum to exchange insights and tips and get answers to questions.

Use and learn

Find out more about [industry-leading notebook technologies](#)


What you need to know about creating your own [wireless home network](#)

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Find out more about [Intel processors](#)

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HP 000145

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HP 000146

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

NARTRON CORPORATION,

Petitioner,

v.

HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.,

Respondent.

Cancellation No. 92050789

Registration No. 3,600,880

Registration Date: April 7, 2009

Mark: **TOUCHSMART**

TESTIMONY DEPOSITION OF JEAN NEUMANN

November 16, 2010

EXHIBIT 6

[CONFIDENTIAL – FILED UNDER SEAL]

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

NARTRON CORPORATION,

Petitioner,

v.

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Registration No. 3,600,880

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Mark: **TOUCHSMART**

TESTIMONY DEPOSITION OF JEAN NEUMANN

November 16, 2010

EXHIBIT 7

[CONFIDENTIAL – FILED UNDER SEAL]

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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NARTRON CORPORATION,

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Registration No. 3,600,880

Registration Date: April 7, 2009

Mark: **TOUCHSMART**

TESTIMONY DEPOSITION OF JEAN NEUMANN

November 16, 2010

EXHIBIT 8

HP 000030

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

NARTRON CORPORATION,

Petitioner,

v.

HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.,

Respondent.

Cancellation No. 92050789

Registration No. 3,600,880

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Mark: **TOUCHSMART**

TESTIMONY DEPOSITION OF JEAN NEUMANN

November 16, 2010

EXHIBIT 9

B: 9"
T: 8.75"
S: 8.25"

Windows. Life without Walls. HP recommends Windows 7

Windows 7

the COMPUTER
PERSONAL
AGAIN

Touch musicians in ways even a groupie can't imagine.

Now you can manage your entire music library through the power of human touch.
Only the new HP TouchSmart PC with Windows 7 Home Premium lets you experience
your favorite websites and apps the way you should. Intuitively.



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color management: N/A	display: None	ad id: None	compliance: CM / P4 / FINAL

EXHIBIT
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TRADEMARK TRIAL AND APPEAL BOARD**

NARTRON CORPORATION,

Petitioner,

v.

HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.,

Respondent.

Cancellation No. 92050789

Registration No. 3,600,880

Registration Date: April 7, 2009

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TESTIMONY DEPOSITION OF JEAN NEUMANN

November 16, 2010

EXHIBIT 10

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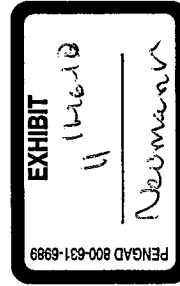
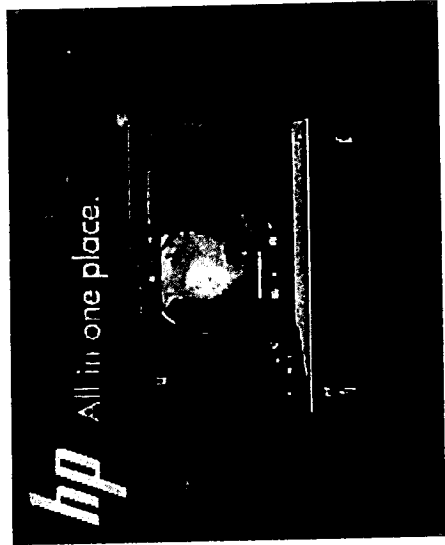
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EXHIBIT 11

TouchSmart Flash Banner



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EXHIBIT 12

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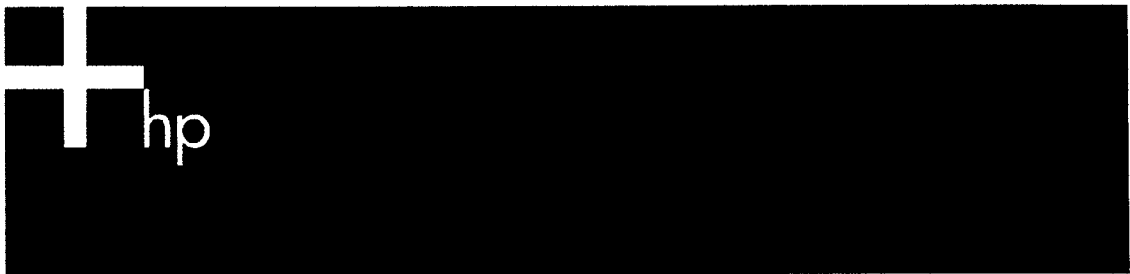
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EXHIBIT 14

HP drives industry standards for rugged computing

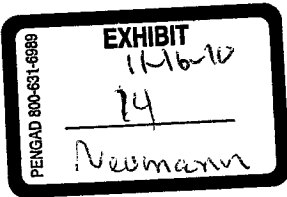


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Executive summary

Hewlett-Packard Company has introduced a rugged line of notebooks and tablets built for performance, mobility, and versatility to survive the most demanding needs in tough environments. With the introduction of the HP nr3600 Rugged Notebook and the HP tr3000 Rugged Tablet PC, HP offers excellent computing capabilities to highly mobile users in extreme conditions.

These mobile PCs are ideal tools for users who often work in remote and demanding environments where computers must be able to withstand long-term vibration, rain, dust, and extreme operating temperatures.

Universal compliance testing standards do not yet exist for this class of product in the industry today. Therefore, in order to best meet the needs of customers seeking this more rugged solution for portable computing, HP performs extremely rigorous compliance testing. In fact, the qualification procedures for the HP Rugged Notebook and the HP Rugged Tablet PC are setting the industry standard.

HP follows test specifications from several industries, including the trucking industry and the U.S. military. The standard frame of reference for rugged products in general is the U.S. Military Specification for ruggedness, also referred to as MIL-STD 810F specification (or MIL spec 810F). The MIL spec 810F is not a specification for computing devices only; it covers a broad range of devices procured by the U.S. military. For this reason, HP computing devices are typically tested to applicable specifications only. These specifications include Vibration, Temperature, Sealing, Humidity, Low Pressure, ESD, and Drop (Shock).

Both the HP Rugged Notebook and the HP Rugged Tablet PC devices comply with MIL-STD-810F and offer an Ingress Protection rating of IP54, which specifies the level of environmental protection a device provides against liquids and solid objects, like rain and dust. Only the most durable systems survive this series of tests, which simulate real-life situations in the field.

This white paper lists the standard tests and technical specifications to which the HP Rugged Computing products conform.

Test descriptions

Both the HP Rugged Notebook and HP Rugged Tablet PC are intended for the most demanding environments and as such undergo the following tests. Because of its different usage model, the HP nr3600 Rugged Notebook undergoes four additional tests: 2 Vehicle Vibration tests, the Vehicle Shock test, and the Vehicle Crash test. The post-test pass and survival criteria are as follows:

- No program data is lost
- Unit meets Water Resistance specification
- Unit functions (user can run applications)

Table 1. HP Rugged Notebook and HP Rugged Tablet PC environmental test criteria

Test name	Standard	Test description
Standalone unit		
Shock (Drop)	MIL-STD 810F, Method 516.5, Procedure IV, Modified	<p>Unit is dropped from a height of 3 feet to 2 inches of plywood over concrete onto each face, edge, and corner (26 contact points).</p> <p>Unit is nonoperating; display is closed; media bay contains CD-ROM disk; up to 2 units may be used; room temperature is about 20°C (68°F).</p> <p>Unit is powered on after each drop to check functionality.</p> <p>Unit passes if there is no loss of program data, the unit meets the Water Resistance specifications, and the user can run applications.</p>
Vibration I (nonoperating)	MIL-STD 810F, Method 514.5, Procedure I, Category 24	<p>Unit is placed on a vibration table with display facing up and then is subjected to a series of 3 tests for each of 3 orientations (axes) for 60 minutes each: front to back, side to side, and up and down.</p> <p>Unit is nonoperating; room temperature is about 20°C (68°F).</p> <p>Unit is powered on after testing.</p> <p>Random profile is studied.</p>
Vibration II (nonoperating)	MIL-STD 810F, Method 514.5, Procedure I, Category 24	<p>Unit is placed on a vibration table with display facing up and then is subjected to a series of three tests for each of three orientations (axes). The random vibration test lasts for 60 minutes and the sinusoidal vibration test lasts for 30 minutes each per axis: front to back, side to side, and up and down.</p> <p>Unit is nonoperating; room temperature is about 20°C (68°F).</p> <p>Unit is powered on after testing.</p> <p>Sine profile is studied.</p>
Vibration III (operating)	ASTM 4169-99 Truck Assurance Level II, Schedule E	<p>Unit is subjected to vibration for a duration of 90 minutes.</p> <p>Unit is operating.</p>
Humidity	MIL-STD 810F, Method 506.4, Procedure II, Time modified	<p>Unit is placed in a humidity chamber for ten 24-hour cycles at 30°C at 85% relative humidity (RH) noncondensing and 60°C at 95% RH noncondensing.</p> <p>Unit is operating, accessing hard disk drive.</p>
Water resistance	MIL-STD 810F, Method 506.4, Procedure II, Time modified	<p>Unit is placed in a rain chamber that supplies simulated rain at a rate of no less than 4 inches per hour.</p> <p>Unit is tested for 10 minutes on each of 6 specific contact points with the display open.</p> <p>Unit is nonoperating.</p>

Continued

Test name	Standard	Test description
Dust and water	IEC 60529 IP-54	<p>Unit is subjected to dust and then to water splashing.</p> <p>An IP number is assigned, specifying the environmental protection afforded by enclosures around electronic equipment. These ratings refer to specific tests. The IP number is made up of 2 digits, each signifying a separate component. For example, in the rating IP44 the first digit refers to the protection against solid objects such as dust, and the second digit refers to the protection against liquids. The higher the number, the better the protection.</p> <p>1st digit: 5—Protected against dust, limited ingress (no harmful deposit)</p> <p>2nd digit: 4—Protected against splashing water from all directions</p>
High operating temperature	MIL-STD 810F, Method 501.4, Procedure II	<p>Unit is placed in a thermal chamber to operate at +60°C for five 24-hour cycles.</p> <p>Unit is operating, running a script file from a DOS window to keep resources running at 100% load.</p>
Low operating temperature	MIL-STD 810F, Method 502.4, Procedure II, Modified	<p>Unit is placed in a thermal chamber at less than -23°C for one 24-hour cycle.</p> <p>Unit is operating, running a script file from a DOS window to keep resources running at 100% load.</p>
Low start temperature	Twinhead PA STD Appendix 13	Unit is placed in a thermal chamber for 1 hour at 0°C, then powered up and the display checked for visibility and unit functionality, and then powered down, for a series of 5 power-up tests.
High storage temperature	MIL-STD 810F, Method 510.4, Procedure I	<p>Unit is placed in a thermal chamber at 75°C for seven 24-hour cycles.</p> <p>Unit is nonoperating.</p>
Low storage temperature	MIL-STD 810F, Method 502.4, Procedure 1	<p>Unit is placed in a thermal chamber at -55°C for one 24-hour cycle.</p> <p>Unit is nonoperating.</p>
Temperature shock	MIL-STD 810F, Method 503.4, Procedure 1	<p>Unit is alternately placed in 2 thermal chambers, one at -55°C and the other at +75°C, for 4-hour periods with no more than 5 minutes taken to change to the other chamber.</p> <p>Unit is nonoperating.</p>
Low pressure	MIL-STD 810F, Method 500.4, Procedure I, Procedure II modified	<p>Procedure I: First, unit is placed in a vacuum chamber at room temperature and held at PSIG of 10,000 feet for 1 hour.</p> <p>Unit is nonoperating.</p> <p>Procedure II: Unit is then placed in a vacuum chamber at room temperature and brought to PSIG of 30,000 feet at a rate of up to 2,000 feet per minute.</p> <p>Unit is operating, accessing disk.</p>

Continued

Test name	Standard	Test description
Mechanical life (for HP nr3600 Rugged Notebook)	HP internal	Unit mechanical components are moved (cycled) the number of times they are expected to perform in the 5-year life of a rugged product.
		Display hinges 5,200 (times) per year
		Power 1,300 per year
		Battery pack 1,000 per year
		Hard drive connector 750 per year
		RJ-11 jack: 1,300 per year
		RJ-45 jack: 1,040 per year
		"D" connectors 1,040 per year
		USB port 1,040 per year
		Keyboard keys 100,000 per year
		Vehicle cradle 2,600 per year
		Antennae 5,200 per year
		Display harness 5,200 per year
		CTO connectors 2 per year
		EL keyboard panel Maintain at least 2 units for 7,000 hours of use
		Touchscreen Repeated writing of 100,000 characters at a specific pressure and stylus type
Mechanical life (for HP tr3000 Rugged Tablet PC)	HP internal	Unit mechanical components are moved (cycled) the number of times they are expected to perform in the five-year life of a rugged product.
		Power 1,300 per year
		Battery pack 4 per year
		2 nd battery pack 520 per year
		RJ-11 jack 1,300 per year
		USB port 1,040 per year
		Keys 500,000 per year
		Antenna 5,200 per year
		LCD with touchscreen Repeated writing of 100,000 characters at a specific pressure and stylus type

Continued

Test name	Standard	Test description
Bench handling	HP internal	<p>Unit is dropped on each of the 4 edges of the base of the product on a typically used bench surface.</p> <p>Operating mode: Each edge is dropped 25 times at 10-second intervals, from a height of 7 cm.</p> <p>Nonoperating mode: Each edge is dropped 50 times at 10-second intervals, from a height of 10 cm.</p>
Electrostatic discharge (ESD)	IEC 801-2, Contact discharge; 4kV and 8kV; air discharge: 15kV	<p>Unit external contacts, connectors, and screws are subjected to 5 discharges per polarity per kV, first with no external power and second with external power, and then with peripherals.</p> <p>At $\pm 4\text{kV}$: No noticeable effects</p> <p>At $\pm 8\text{kV}$: No data or program loss; unit reboots, resets</p> <p>At $\pm 15\text{kV}$: No component failure (hard error)</p> <p>Unit is operating, accessing disk.</p>
Removable hard drive		
Handling while outside unit	Bench handling specification	<p>Removable hard drive is checked after the drive is dropped onto a typical bench surface from a height of 5 cm, 25 times, with a time interval of 5 seconds between drops.</p> <p>Drive is tested while removed from unit and therefore is nonoperating.</p>

Table 2. Additional HP nr3600 Rugged Notebook tests (unit in vehicle cradle)

Test name	Standard	Test description
Vehicle vibration (operating)	ASTM 4169-99 Truck Assurance Level II, Schedule E	Unit is subjected to vibration for 90 minutes across each of the 3 axes described in the earlier Vibration test. Unit is operating, accessing disk.
Vehicle vibration (contact continuity)	MIL-STD 810F, Method 514.5, Procedure I, Category 24	Unit is subjected to 2 tests across 3 axes: 1 hour per axis and 30 minutes per axis. Unit is nonoperating.
Vehicle shock (contact continuity)	SAE J1455 Pothole Shock (4.10.3.4)	Unit is mounted in a vehicle and subjected to a total of 18 shocks of a 20-millisecond duration, such as might be encountered by sudden acceleration, braking, or turning.
Vehicle crash	SAE J1455, Crash Shock (4.10.2.4)	Unit is subjected to 4 lengthwise 30-mph vehicle crash simulations in each of 4 orientations for a force of 20G and duration of 120 milliseconds with one rebound.

Summary

As can be seen in the detailed test descriptions, HP testing standards provide for outstanding ruggedness verification. By conducting such rigorous qualification tests for its rugged systems, HP is driving industry standards to best ensure that the needs of this special class of customers are met.

For more information

<http://www.hp.com>

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5982-5747EN, August 2004

